REGD NO. JKï ï 33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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PART I-A

Jammu & Kashmir Government–Orders

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR
(Exercising powers of Bar Council under section 58 of the Advocates Act, 1961).

Notification

No. 785 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Aman Ullah Khanday S/o Bashir Ullah Khanday R/o Sopar Danow-Bogund, Kulgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-506/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 799 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Showket Yousuf Lone S/o Muhammad Yousuf Lone R/o Murran, Pulwama has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has

been entered under serial No. JK-599/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 810 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Zarina Ahkter D/o Ali Mohammad Ahanger R/o Main Chowk, Panzan Chadoora, Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-613/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 811 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Tabasum Akhter D/o Gulam Mohd Lone R/o Arabal, Shalimar, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-602/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 812 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Shaista Ali D/o Ali Mohammad Shah R/o Chrar-i-Sharief, Waza Bagh, Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-596/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 813 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Shaista Shafi D/o Mohammad Shafi Matta R/o Khayam Road, Munawrabad, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-589/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 814 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Rameez Raja S/o Raj Mohmad Bhat R/o Malshah-i-Bagh, Ban Mohalla, Ganderbal has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-580/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 816 Dated 15-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Zahida Hassan D/o Ghulam Hassan Dar R/o Badipora, Chadoora, Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-614/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 821 Dated 16-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Saima Rashid D/o Abdul Rashid R/o 299, M. I. G. Colony (SDA), Bemina Extension, Sector-1, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-582/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 831 Dated 16-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Varun Kumar S/o Jagdish Narain R/o 494-A, Jullaka Mohalla, Jammu has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/ LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-609/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 843 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Salma Hassan D/o Gh. Hassan Ganai R/o Model Town-B, Sopore, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-597/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 861 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Owais Ahmad Wani S/o Ghulam Nabi Wani R/o Doligam, Banihal, Ramban A/P H. No. 107, Khanabal Baghat, Barzulla Near Masjid Sharief, Khansahib, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-571/2018 in the roll of Advocate maintained by this Registry.

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The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 862 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Ovais Rashid Malik S/o Ab. Rashid Malik R/o Malik Mohalla, Trehgam, Kupwara has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-572/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 863 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Syed Faisl Gillani S/o Syed Ieesa Shah Gillani R/o Syedabad, Basgran, Uri, Baramulla, A/P Mandir Bagh, Opp. Vikram Hotel, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-594/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 864 Dated 17-10-2018.

IIt is hereby notified that vide High Court order dated 10-10-2018 Ms. Pakeeza Hassan D/o Gh. Hassan Bagath R/o Mohripora, Kokernag, Anantnag has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-573/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 865 Dated 18-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Peer Babar Bilal S/o Peer Habibullah R/o Hudipora/Wahdatpora, Baramulla has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-574/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 866   Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Rubiya Nabi D/o Ghulam Nabi Mir R/o Budoo Bagh, Khanyar, Srinagar, A/P Riyztaaing, Khanyar, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-575/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 867   Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Rayees Ahmad Bhat S/o Bashir Ahmad Bhat R/o Mir Mohalla, Avil, Tehsil D. H. Pora, District Kulgam has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-576/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 868 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Rafiq Ismayil Bhat S/o Mohammad Ismayil Bhat R/o Kulhama, Tehsil Beerwah, District Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-577/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 869 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Ruhab Lateef Mir D/o Mir Lateef Ahmad R/o Rozabal, Khanyar, Srinagar has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-578/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 870 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Rabia Koser D/o Abdul Majid R/o Village Rajpura, Tehsil Mandi, District Poonch has been admitted and enrolled as as Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-579/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 871 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Sheikh Jahangir Akbar S/o Sheikh Mohmad Akbar R/o Wadoora Payeen, Posh Bagh, Sopore, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-581/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 872 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Sumaya Salam D/o Ab. Salam Dar R/o Hilalabad Nesbal, Tangpora, Sumbal, District Bandipora has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-583/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 874 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Sheefat Muzaffer Bhat S/o Muzaffer Ahmad Bhat R/o Pehro, Iqbalabad, K. P. Road, Anantnag has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-584/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 875 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Shahid Rasool Bhat S/o Gh. Rasool Bhat R/o Shouch Pal Pora, Tehsil Pattan, District Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-585/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 876 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Sirnawaz Bashir S/o Bashir Ahmad Thokur R/o Lasjan, Near J&K Bank, Namblabad, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-586/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 877 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Sameer Mushtaq S/o Mushtaq Ahmad Mir R/o Sherwaniabad, Jami Mohalla, Binner, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-587/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 878 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Sobia Gaffar D/o Ab. Gaffar Malik R/o Arabal, Tehsil Rajpora, District Pulwama, Kashmir has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-588/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 879 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Shahbaz Ahmad Balla S/o Gh. Nabi Balla R/o Dusoo, Balla Mohalla, Pampore, Pulwama has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-590/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

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Notification

No. 880 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Shahroze Ahmad Mir S/o Ab. Samad Mir R/o Kawarhama, Aastan Mohalla, Tangmarg, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-591/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 881 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Syed Hadi S/o Syed Mohd. Shah R/o Farona, Kargil, Tehsil Sankoo, District Kargil has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-592/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 882 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Showkat Ahmad Dar S/o Gh. Mohd Dar R/o Babapora, Magam, Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-593/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 883 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Shabiya Habib D/o Habib Ullah Malik R/o Kawoosa-Khalisa, Bonpora, Budgam has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-595/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 884 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Syed Irtiza Qadri D/o Syed Nasir Ahmad Qadri R/o Reizatange, Khanyar, Srinagar has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-598/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 886 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Syed Safeer Shah S/o Syed Hussain Shah R/o Mirchimar, Mirgund, Pattan, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-600/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 887 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Tahir Rasool Shah Pirzada S/o Gh. Rasool Shah Pirzada R/o Gund Lassa, Tehsil Handwara, District Kupwara has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-601/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 888 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Tasadiq Hussain Sulwati S/o Mohd Akhbar Sulwati R/o Zachaldara, Wani Mohalla, Kupwara has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-603/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 889 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Tahir Abdullah Bhat S/o Mohammad Abdullah Bhat R/o Dharnumbal, Krankshivan Takiabal, Sopore, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-604/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 890 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Ms. Ulfat Maqbool D/o Mohammad Maqbool Mir R/o Langate (Shatpora), Handwara, Kupwara has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of her Provisional/LL.B Degree Certificate from concerned University and verification of her character and antecedents from CID. Her name has been entered under serial No. JK-605/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 891 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Umar Farooq Rather S/o Farooq Ahmad Rather R/o Margipora, Rather Mohalla, Pattan, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His

name has been entered under serial No. JK-606/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

Notification

No. 892 Dated 17-10-2018.

It is hereby notified that vide High Court order dated 10-10-2018 Mr. Umar Mushtaq Rather S/o Mushtaq Ahmad Rather R/o Watergam, Rafiabad, Baramulla has been admitted and enrolled as an Advocate on the rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification subject to the verification of his Provisional/LL.B Degree Certificate from concerned University and verification of his character and antecedents from CID. His name has been entered under serial No. JK-607/2018 in the roll of Advocate maintained by this Registry.

The renewal/extension of provisional licence/enrollment must be sought before the date of expiry unless the absolute/final enrollment as an Advocate is ordered therebefore.

(Sd.) MOHAMMAD YASIN BEIGH,

Joint Registrar (Admn.).

THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 20th Dec., 2018/29th Agra., 1940. [No. 38

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATð REVENUE DEPARTMENT.

Notification No. 341-Rev(LAJ) of 2018

Dated 26-07-2018.

Whereas, the land specifications whereof are given below is required for public purpose viz. for construction of Road from Doligam to Gugthal, Banihal in Village Doligam, Tehsil Banihal, District Ramban by PW(R&B) Department :ð

Specifications of land

District	Tehsil	Village	Kh. Nos.		Area
1	2	3	4		5
					K. M.
Ramban	Banihal	Doligam	591	min	00ï 05
			591	min	00ï 09

1	2	3	4	5
				K. M.
		585	min	00ï 11
		2173/592	min	00ï 17
		2173/592	min	00ï 11
		2173/592	min	00ï 3½
		579	min	00ï 08
		579		00ï 05
		548		01ï 07
		551		01ï 06
		540		00ï 06
			Total	06ï 8½

Whereas, on the basis of an indent placed by Executive Engineer, PWD (R&B) Division, Ramban vide No. 17417-25 dated 05-02-2013, a notification under section 4(1) was issued by Collector, Land Acquisition (SDM), Banihal vide No. SDMB/Acq/38-45 dated 26-04-2018 for land measuring 06 Kanals and 8½ Marlas situated in Village Doligam, Tehsil Banihal, District Ramban ;

Whereas, the Collector, Land Acquisition (SDM), Banihal vide No. SDMB/ACQ/51-54 dated 21-05-2018 has reported that the notification issued under section 4(1) of the J&K State Land Acquisition Act was served upon the interested persons for filing objections, if any, to the proposed acquisition. Five land owners filed written objections before the concerned Collector within the stipulated time. The concerned were summoned on 19-05-2018 and provided the opportunity of being heard by the concerned Collector (SDM), Banihal. The objections were disposed off after recording their joint statement ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Banihal vide number referred to above duly endorsed by Deputy Commissioner, Ramban vide No. DC/LA/Rbn/12 dated 31-05-2018 has been examined and it has been found that 05 land owners have filed

their written objections and after hearing these were disposed off in accordance with the rules ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of Road from Doligam to Gugthal, Banihal in Village Doligam, Tehsil Banihal, District Ramban by PW (R&B) Department.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that land measuring 06 Kanals and 8½ Marlas situated in Village Doligam, Tehsil Banihal, District Ramban, particulars whereof are given above is required for public purpose viz. for construction of Road from Doligam to Gugthal, Banihal, in Village Doligam, Tehsil Banihal, District Ramban by PW(R&B) Department. Further, the Collector, Land Acquisition (SDM), Banihal is directed under section 7 of the said Act to take order for acquisition of the said land after giving prescribed notice to the interested person(s) as required under the Land Acquisition Act/Rules.

Now, in pursuance of section 17 of the Land Acquisition Act, Samvat 1990, it is ordered that on expiry of fifteen days from the publication of the notification under section 9(2) of the said Act, the Collector will take possession of the aforementioned land in Village Doligam Tehsil Banihal, District Ramban required for public purpose, subject to fulfillment of the conditions prescribed under section 9(2) and section 17-A of the Land Acquisition Act and Rules 63 of the Land Acquisition Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case and apportionment of compensation amongst all the interested persons/rightful claimants in accordance with the relevant laws/rules in force, while making the award.

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATð REVENUE DEPARTMENT.

Notification No. 315-Rev(LAJ) of 2018

Dated 17-07-2018.

Whereas, the land specifications whereof are given is required for public purpose viz. for construction of additional accommodation for J&K Police in Village Rampur, Tehsil and District Rajouri by Police Department ;

Specifications of land

District	Tehsil	Village	Kh. No.	Area
				K. M.
Rajouri	Rajouri	Rampur	306	04ï 10

Whereas, on the basis of an indent placed by Sr. Superintendent of Police, Rajouri vide No. GB/Land/222/C dated 11-01-2018, a notification under section 4(1) was issued by Collector, Land Acquisition (ACR), Rajouri vide No. AC/LA/1341-42 dated 14-03-2018 for land measuring 04 Kanals and 10 Marlas situated in Village Rampur, Tehsil and District Rajouri ;

Whereas, the District Collector (DC), Rajouri vide No. AC/LA/ 22-23 dated 11-04-2018 has reported that the notification issued under section 4(1) of the J&K State Land Acquisition Act was served upon the interested persons for filing objections, if any, to the proposed acquisition and some objections were received in the office of concerned Collector in response to above notification within the prescribed period as required under sections 5&5A of the Land Acquisition Act ;

Whereas, the report furnished by District Collector (DC), Rajouri vide number referred to above duly endorsed by Divisional Commissioner, Jammu vide No. 502/3183/Acq/Rampur/Raj/18/549-51 and by Financial Commissioner, Revenue vide No. FC-LS/LA-4652/2018 dated 31-05-2018 has been examined and it has been found that the land owners had filed objections to the proposed acquisition but the same stand disposed off in accordance with the law ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of additional accommodation for J&K Police in Village Rampur, Tehsil and District Rajouri by Police Department.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that land measuring 04 Kanals and 10 Marlas, situated in Village Rampur, Tehsil and District Rajouri, particulars whereof are given above is required for public purpose viz. for construction of additional accommodation for J&K Police in Village Rampur, Tehsil and District Rajouri by Police Department. Further, the Collector, Land Acquisition (ACR), Rajouri is directed under section 7 of the said Act to take order for acquisition of the said land after giving prescribed notice to the interested person(s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper verification of all types of land involved in the case and apportionment of compensation amongst all the interested persons/rightful claimants in accordance with the relevant laws/rules in force, while making the award.

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATð REVENUE DEPARTMENT.

Notification No. 340-Rev(LAJ) of 2018

Dated 25-07-2018.

Whereas, the land specifications whereof are given in Annexure ñAò to this notification is required fo public purpose viz. for

construction of Link Road from Kuchhal to Simbol (Phase-II) in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar under PMGSY ;

Whereas, on the basis of an indent placed by Chief Engineer, PMGSY (JKRRDA), Jammu vide No. CEJ/PMGSY/18996-98 dated 18-11-2017, a notification under section 4(1) was issued by Collector, Land Acquisition (ACR), Kishtwar vide No. ACR/LA/2109-14 dated 08-10-2016 for land measuring 15 Kanals and 18 Marlas, situated in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar ;

Whereas, the Collector, Land Acquisition (SDM), Chhatroo vide No. SDMC/LA/18/50 dated 10-05-2018 has reported that the notification issued under section 4(1) of the J&K State Land Acquisition Act was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons in the prescribed time period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Chhatroo vide number referred to above duly endorsed by District Collector (DC), Kishtwar vide No. DCK/LA/2018/193-98 dated 30-06-2018 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given in Annexure ñAò to this notification is required for public purpose viz. for construction of Link Road from Kuchhal to Simbol (Phase-II) in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar under PMGSY.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that land measuring 15 Kanals and 18 Marlas situated in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar, particulars whereof are given in Annexure ñAò to this notification is required for public purposes viz. for construction of Link Road from Kuchhal to Simbol (Phase-II) in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar under PMGSY. Further, the Collector, Land Acquisition (SDM), Chhatroo is directed under section 7 of the said Act to take order for acquisition of the said land after giving prescribed notice to the interested person(s) as required under the Land Acquisition Act/Rules.

Now, in pursuance of section 17 of the Land Acquisition Act, Samvat 1990, it is ordered that on expiry of fifteen days from the publication of the notification under section 9(2) of the said Act, the Collector will take possession of the aforementioned land in Village Kuchhal, Tehsil Mughalmaidan, District Kishtwar required for public purpose, subject to fulfillment of the conditions prescribed under section 9(2) and section 17-A of the Land Acquisition Act and Rules 63 of the Land Acquisition Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case and making apportionment of compensation amongst all the interested persons/rightful claimants in accordance with the relevant laws/rules in force, while making the award.

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

Annexure "A"

Particulars of land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Kishtwar	Mughalmaidan	Kuchhal	1557/881	03 18
			1549/892	01 05
			1439/918	01 11
			821 min	04 19
			820	02 01
			1698/817	01 02

1	2	3	4	5
				K. M.
			1701/817	00ï 04
			1701/817	00ï 14
			1701/817	00ï 04
				ï ï ï ï ï ï
			Total	15ï 18
				ï ï ï ï ï ï

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATð REVENUE DEPARTMENT.

Notification No. 314-Rev(LAJ) of 2018

Dated 17-07-2018.

Whereas, the land specifications whereof are given in Annexure ñAò to this notification is required fo public purpose viz. for construction of Doda Malwas Link Road in Village Doda, Tehsil and District Doad by PW(R&B) Department ;

Whereas, on the basis of an indent placed by Executive Engineer, PW (R&B) Division, Doda vide No. 5227-28 dated 27-08-2011, a notification under section 4(1) was issued by Collector, Land Acquisition (ACR), Doda vide No. 1352-59/ACQ dated 29-12-2012 read with corrigendum vide No. 1683-85/Acq dated 03-01-2013 for land measuring 43 Kanals and 18 Marlas situated in Village Doda, Tehsil and District Doda ;

Whereas, the Collector, Land Acquisition (ACR), Doda vide No. 125-30/Lcq dated 17-04-2018 has reported that the notification issued under section 4(1) of the J&K State Land Acquisition Act was

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served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons in the prescribed time period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ACR), Doda vide number referred to above duly endorsed by Deputy Commissioner, Doda vide No. 101/LAC/D/18 dated 09-05-2018 has been examined and it has been found that the land owners did not file objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given in Annexure ñAò to this notification is required for public purpose viz. for construction of Doda Malwas Link Road in Village Doda, Tehsil and District Doda by PW(R&B) Department.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that land measuring 43 Kanals and 18 Marlas situated in Village Doda, Tehsil and District Doda, particulars whereof are given in Annexure ñAò to this notification is required for public purpose viz. construction of Doda Malwas Link Road in Village Doda, Tehsil and District Doda by PW(R&B) Department. Further, the Collector, Land Acquisition (ACR), Doda is directed under section 7 of the said Act to take order for acquisition of the said land after giving prescribed notice to the interested person(s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper verification of all types of land involved in the case and apportionment of compensation amongst all the interested persons/rightful claimants in accordance with the relevant laws/rules in force, while making the award.

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

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Annexure "A"

Particulars of land

District	Tehsil	Village	Kh. Nos.		Area
1	2	3	4		5
					K. M.
Doda	Doda	Doda	1392/151	min	00ï 02
			1818/1391/151	min	00ï 09
			1818/1391/151	min	00ï 1¼
			1818/1391/151	min	00ï 7¼
			1879/1392/151	min	00ï 3¾
			1391/151	min	00ï 0½
			1392/151	min	00ï 1½
			1391/151	min	00ï 02
			1877/1391/151	min	00ï 01
			137	min	00ï 8¾
			137	min	00ï 3½
			137	min	00ï 5½
			137	min	00ï 14¾
			1903/137	min	00ï 9¾
			1900/1390/135	min	00ï 06
			1900/1390/135	min	00ï 12

¼ ¾

1	2	3	4		5
					K. M.
			2082/137	min	00ï 16
			2082/137	min	00ï 07
			2082/137	min	00ï 8¼
			138	min	01ï 10¼
			138	min	00ï 0¼
			138	min	00ï 02
			138	min	00ï 11
			138	min	00ï 0½
			138	min	00ï 0¾
			138	min	00ï 02
			138	min	00ï 1¼
			138	min	01ï 7¼
			138	min	00ï 3¾
			137	min	00ï 12½
			137	min	00ï 16½
			1386/133	min	01ï 1¾
			1386/133	min	01ï 07
			1386/133	min	02ï 3½
			1374/131	min	00ï 12½
			1378/131	min	03ï 18½

1	2	3	4	5
				K. M.
			1377/133 min	02ï 13
			138 min	00ï 08
			101 min	00ï 14½
			102 min	00ï 04
			1353/103 min	02ï 00
			1353/103 min	00ï 03
			1352/103 min	01ï 08
			104 min	00ï 16½
			105 min	01ï 4½
			107 min	00ï 17
			1620/106 min	00ï 9¼
			81 min	00ï 9½
			81 min	01ï 5½
			82 min	01ï 02
			107 min	00ï 8½
			1613/86 min	00ï 16½
			1613/86 min	01ï 3¼
			1611/85 min	00ï 8½
			1611/85 min	00ï 15½
			1615/87 min	02ï 16½

1	2	3	4	5
				K. M.
			84 min	01ï 7½
			51 min	00ï 05
			47 min	00ï 11¼
			1269/46 min	01ï 00
				ï ï ï ï ï ï
			G. Total	43ï 18
				ï ï ï ï ï ï

(Sd.) SHAHID ANAYATULLAH, IAS,

Commissioner/Secretary to Government,
Revenue Department.

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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATð TOURISM DEPARTMENT.

Subject :ð Reconstitution of Board of Directors of Jammu and Kashmir State Cable Car Corporation Limited (JKSCCC).

Reference :ð O. M. No. GDC-156/CM/2018 dated 11-10-2018 from General Administration Department.

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Government Order No. 298-TSM of 2018

Dated 25-10-2018.

In supersession of all previous orders on the subject, sanction is hereby accorded to the reconstitution of the Board of Directors of the Jammu and Kashmir State Cable Car Corporation Limited (JKSCCC) in terms of Article 62 (5) and 62 (6) of the Articles of Association of JKSCCC as follows :ð

1.	Advisor (G) to the Hon'ble Governor	Chairman
2.	Administrative Secretary, Planning, Development and Monitoring Department	Director

3.	Administrative Secretary, Finance Department	Director
4.	Administrative Secretary, Tourism Department	Director
5.	Managing Director, J&K State Cable Car Corporation Limited	Director
6.	Director, Tourism, Kashmir	Special Invitee
7.	Director, Tourism, Jammu	Special Invitee
8.	Managing Director, J&K Tourism Development Corporation Limited	Special Invitee

The aforesaid members shall hold office for a period of (02) two years from the date of issuance of this order.

By order of the Government of Jammu and Kashmir.

(Sd.) RIGZIAN SAMPHEAL, IAS,

Secretary to the Government.

THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 20th Dec., 2018/29th Agra., 1940. [No. 38

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In pursuance to the Government Order No. 1699-GAD of 2018 dated 01-12-2018, we the following officers have handed/taken over the charge of Commissioner, Jammu Municipal Corporation today on 10-12-2018 F. N.

(Sd.) ARVIND KOTWAL, KAS,

Relieved Officer.

(Sd.) PANKAJ MAGOTRA, KAS,

Relieving Officer.

In pursuance to Government Order No. 152-FST of 2018 dated 20-04-2018 and Government Order No. 165-FST of 2018 dated 14-05-2018 respectively, we the undersigned do hereby hand over and take over the charge of Divisional Forest Office, Poonch Forest Division today on the 16th of May, 2018 F. N.

(Sd.) SOM DUTT KHAJURIA, SFS,

Relieved Officer.

(Sd.) MOHD HUSSAIN, SFS

Relieving Officer.

THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 20th Dec., 2018/29th Agra., 1940. [No. 38

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PART II—B

Notifications, Notices and Orders by Heads of Departments.

OFFICE OF THE COLLECTOR, LAND ACQUISITION (ACR), RAMBAN

Notice under sections 9 & 9-A of the J&K State Land Acquisition Act, (Svt.) 1990.

No. 04/ACR of 2018.

Notice is hereby given to all interested person that the Government of J&K intends to take possession of land measuring 21K-05M at Village Teli, Tehsil and District Ramban for construction of Seri-Sincha Road as per particulars appended to this notice for which Notification No. 308-Rev(LAJ) of 2018 dated 17-07-2018 has been issued by the Commissioner/Secretary to Government, Revenue Department vide endorsement No. Rev/LAJ/287/2018 dated 17-07-2018 under sections 6, 7 & 17 of the Land Acquisition Act, (Svt.) 1990 for acquiring of land.

Now, before taking over the possession of land and payment of compensation, all the interested persons are called upon to appear before the undersigned on 11-09-2018 at 11.00 A. M. at DC Complex, Ramban and state the nature of their respective interests in the land, the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the quantum and measurement of land. It is required that all such claims and objections are made in writing.

Executive Engineer, PMGSY Division, Ramban (Indenting Department) is also hereby called upon to appear before the undersigned either in person or through his authorized representative on above said date, time and venue to put forth his objection, if any, to the measurement made and to the amount of the tentative compensation that may be assessed.

It may be taken into notice by all that no claim or objection whatsoever will be entertained after above said date.

Appendix : Particulars of land

District Ramban Tehsil Ramban Village Teli

Item No.	Name of the Owners	Name of cultivator as per Kh. Girdwari	Name of possession holder on sport	Kh. No.	Area
					K. M.
1.	Sarkar	Maqbooza Sarkar	Maqbooza Sarkar	335	01 03
2.				335	09 15
3.				317	00 09
4.				320	00 04
5.				319	01 10
6.				325	06 14
7.				332	00 19
8.				325	00 11
			Total		21 05

Given under my hand and seal on 28th day of August, 2018 at Ramban.

(Sd.) ....

Collector, Land Acquisition (ACR),
Ramban.

OFFICE OF THE COLLECTOR, LAND ACQUISITION (ACR), RAMBAN

Notice under sections 9 & 9-A of the J&K State Land Acquisition Act, (Svt.) 1990.

No. 02/ACR of 2018.

Notice is hereby given to all interested person that the Government of J&K intends to take possession of land measuring 01K-04M at Village Jhatgalli, Tehsil and District Ramban for construction of Karol-Kumate Road as per particulars appended to this notice for which Notification No. 307-Rev(LAJ) of 2018 dated 17-07-2018 has been issued by the Commissioner/ Secretary to Government, Revenue Department vide endorsement No. Rev/ LAJ/286/2018 dated 17-07-2018 under sections 6, 7 & 17 of the Land Acquisition Act, (Svt.) 1990 for acquiring of land.

Now, before taking over the possession of land and payment of compensation, all the interested persons are called upon to appear before the undersigned on 11-09-2018 at 11.00 A.M. at DC Complex, Ramban and state the nature of their respective interests in the land, the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the quantum and measurement of land. It is required that all such claims and objections are made in writing.

Executive Engineer, PMGSY Division, Ramban (Indenting Department) is also hereby called upon to appear before the undersigned either in person or through his authorized representative on above said date, time and venue to put forth his objection, if any, to the measurement made and to the amount of the tentative compensation that may be assessed.

It may be taken into notice by all that no claim or objection whatsoever will be entertained after above said date.

Appendix : Particulars of land

District Ramban Tehsil Ramban Village Jhatgalli

Item No.	Name of the Owners	Name of cultivator as per Kh. Girdwari	Name of possession holder on sport	Kh. No.	Area K. M.
1.	Smt. Subradha Devi W/o Late Mangat Ram Thakar sakin deh	Khudkasht Salesha Devi Through Shadi Lal	Khudkasht Salesha Devi Through Shadi Lal	1576 min	01-04
			Total		01-04

Given under my hand and seal on 28th day of August, 2018 at Ramban.

(Sd.) .....
Collector,
Land Acquisition (ACR),
Ramban.

Correction

My name has been wrongly written as Santosh Sethi instead of Santosh Gupta and my Fatherôs name has been wrongly written as Sunil Gupta instead of Om Parkash on my PAN Card bearing No. AOKPS 3188P. Now, I am applying for the correction of the same. Objection, if any, may be conveyed to concerned authority within seven days from the publication of this notice.

Name Santosh Gupta
D/o Om Prakash
R/o Q. No. 129, Rehari Colony, Jammu.

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Notice

My Motherõs name has wrongly been written as Gagandeep Kour instead of Bhavdeep Kour in my School records studying in 10th Class in Presentation Convent, Sr. Sec. School, Jammu. Now, I am applying for correction of the same. Objection, if any, may be conveyed to concerned authority within seven days.

Gunveet Kour
D/o Jasvinder Singh
R/o H. No. 139, Sector-11,
Nanak Nagar, Jammu.

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My Motherõs name has been wrongly written as Kiran instead of Kiran Jamwal in my 10th Class Diploma and Marksheet under Roll No. 2314226, Session 2017. Now, I am applying for correction of the same. Objection, if any, may be conveyed to CBSE, Panchkula within seven days.

Kavyan Singh S/o Balram Singh
R/o H. No. 197, Jawahar Nagar,
New Plot, Jammu.

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Notice

My Motherõs name has been wrongly written as Kiran Antal instead of Kiran Jamwal in my 10th Class Diploma and Marksheet under Roll No. 2320182, Session 2018. Now, I am applying for correction of the same. Objection, if any, may be conveyed to CBSE, Panchkula within seven days.

Mannav Singh S/o Balram Singh
R/o H. No. 197, Jawahar Nagar,
New Plot, Jammu.

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Notice

I Rani Devi D/o Shouk Singh R/o Patoli Brahmana near Sagrampur Road, Tehsil and District Jammu have applied for correction of my Fatherõs name which has been wrongly written in PAN Card bearing No. FAJPD8265E as Balwant Singh instead of correct name Shouk Singh. Objection, if any, may be conveyed to PAN Card Office within seven days from the publication of this notice.

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Correction

I Diljeet Singh S/o Dharminder Singh want to apply for the correction of my DOB & Fatherõs name on my PAN Card GPEPS5233A. The DOB is wrongly written as 10-01-1965 (wrong) instead of 10-01-1995 (correct) and my Fatherõs name is Dharminder Singh (correct) but written on card is only Dharminder (wrong). So, I am applying for the correction of my PAN Card. So anybody having any objection to this may kindly inform the concerned office/authority.

Diljeet Singh
S/o Dharminder Singh.

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Notice

I Shahbaz Manzoor S/o Manzoor Ahmed Khan employed as veterinary Assistant Surgeon at Department of Sheep Husbandry Kashmir have changed my name from Shahbaz Manzoor to Shahbaz Manzoor Khan by affidavit sworn before the Notary Public, Srinagar on 04-12-2018. Henceforth, I shall be known as Shahbaz Manzoor Khan for all purposes.

Shahbaz Manzoor Khan
S/o Manzoor Ahmad Khan,
R/o Daulatabad Nowpora, Srinagar.

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Notice

My correct and actual name is Saffan Mehraj and the same has been mentiond in my all documents viz. Aadhaar Card, PAN Card, Passport, Birth Certificate and other documents but in my Bank account No. 50100131504835 (HDFC Bank Karan Nagar, Srinagar), my name

has been mentioned wrongly Mohammad Safwan Lone. Now, I have applied for correction in the above records. Any body having any objection in this regard he may submit to above Bank authorities within 07 days. No objection will be entertained after the said period.

Saffan Mehraj
S/o Mehraj-ud-Din Lone
R/o Gousia Colony Khanyar, Srinagar.

Notice

I Kuldeep Kour D/o Sh. Amrik Singh R/o H. No. 61, K. C. Colony near C.R.P.F. Head Quarter, Preet Nagar, Jammu have applied for correction of my Fatherôs name which has been wrongly written as Sukhdev Singh instead of correct name of my father Sh. Amrik Singh in my PAN Card bearing PAN Card No. ADPHK0333L. Objection, if any, may be conveyed to the concermed authority within seven days from the date of publication of this notice.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE MUNICIPAL COMMITTEE, MATTAN.

Notification

Dated 15-11-2018.

In exercise of powers conferred under section (22) of the Jammu and Kashmir Municipal Act, 2000 read with Rule (6) of the Jammu and Kashmir Business Rule of Municipal Council/Committee Bye-Laws, 2005, the Presiding Authority declared Mr. Mohd Yaseen Bhat S/o Gh. Hassan Bhat as elected President and Mr. Subash Chandar S/o Prithvi Nath as elected Vice-President of Municipal Committee, Mattan.

(Sd.) .....

Executive Officer,
Municipal Committee,
Mattan.

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Notice

I, Surjit Kaur W/o Sukhwant Singh resident of Village Dhanda, District Gurdaspur have changed my name from Gurjit Kaur to Surjit Kaur.

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NOTICE FOR GENERAL PUBLIC

THE JAMMU AND KASHMIR STATE BOARD OF SCHOOL EDUCATION, NEW CAMPUS, BEMINA, SRINAGAR.

The candidate whose particulars are mentioned below is claiming to have lost/gutted his Original and as well as Duplicate Qualification Certificate/s issued by J&K State Board of School Education under Serial Nos. 13862 and 17742 respectively with following particulars :ï

1.	Name	:	Zahoor Ahmad Khan
2.	Parentage	:	Mohd. Kasim Khan
3.	Residence	:	Sangermall Fetha Poka Road, Baramulla
4.	Date of Birth	:	21-02-1959
5.	Roll No.	:	4341
6.	Session	:	November, 1973
7.	Result	:	Passes

Now, the candidate has applied for ñ2nd Duplicate Qualification Certificateò. Before the same is peocessed and provided to the concerned candidate, any person/s having any objection in this regard, may please file the same before the Secretary, BOSE or to the undersigned within a period of seven days from the date of issue of this notice.

Besides, the above referred ñboth Qualification Certificateò be treated as cancelled.

(Sd.) ....

Assistant/Deputy Secretary,
Certificates, K. Div.

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GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF STATIONERY AND OFFICE SUPPLIES,
RAIL HEAD COMPLEX, JAMMU– 180012.

Subject :– Appointment of Government Auctioneer for Conducting auction of Government properties/Semi Government and corporations in Jammu Division.

Notification No. DGSS/RC/99 of 2018

Dated 10-12-2018.

In pursuance to Purchase Committee decision dated 06-12-2018, M/s Hem Raj Bali and Sons R/o Mast Garh, Jammu (cell No. 9419189648) having entered into an agreement with this department and also furnished the requisite Surety Bond, is hereby appointed as Government Auctioneer for Jammu Division for a period of one year from the date of issuance of this Notification on the following terms and conditions :–

S. No.	Name of District	Rate of Commission per Rs. 100 on Auction of sale proceeds
01	Jammu	Rs.3/=(Rupees Three Only)
02	Udhampur	Rs.4/=(Rupees Four Only)
03	Kathua	Rs.4/=(Rupees Four Only)
04	Poonch	Rs.4/=(Rupees Four Only)
05	Rajouri	Rs.4/=(Rupees Four Only)
06	Doda	Rs.4/=(Rupees Four Only)
07	Samba	Rs.4/=(Rupees Four Only)
08	Reasi	Rs.4/=(Rupees Four Only)
09	Kishtwar	Rs.4/=(Rupees Four Only)
10	Ramban	Rs.4/=(Rupees Four Only)

1. Government Auctioneer shall publish the auction notice of every proposed auction in one leading English local Newspaper having wide circulation, the advertisement charges of which shall be born by the Auctioneer.

2. The Auctioning Department shall deduct the Taxes whatever applicable from the Government Auctioneer under rules.

3. The Sale proceeds of auction shall have to be deposited against G.R. with the Department/Office concerned immediately and instantaneously as soon as the auction is concluded.

4. The commission charges of the successful auction shall be paid to the Government Auctioneer as and when amount of auction is received in full by the Auctioning Department.

(Sd.) VINOD SHARMA,

Director General.

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GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF STATIONERY AND OFFICE SUPPLIES,
RAIL HEAD COMPLEX, JAMMU—180012.

Subject :— Rate-Contract for supply of Charcoal to the Government/ Semi Government officers located in Jammu Division for the year 2018-19

Notification No. DSS/RC/98 of 2018

Dated 06-12-2018.

As approved by the purchase committee, the Rate-Contract for supply of Charcoal to Government/Semi-Government offices located in Jammu Division, is hereby sanctioned in favour of M/s Bharat Traders, Jail Road, Ambphalla, Jammu @1169/= (Rupees one thousand one hundred and sixty nine only) per Quintal exgodown including gunny bagh for use in segries. The approved Rate-Contract shall be on the terms and conditions recorded hereunder :—

1. The Contractor shall prominently display the approved samples of Charcoal on a conspicuous place at his Sale Depot for comparisons. Similar sample, one each shall remain available in the office of Director General, Stationery and Office Supplies, J&K, Jammu and Assistant Director Stationery and Office Supplies, Jammu.

2. The Contractor will be required to stock minimum quantity of one hundred (100) quintals of Charcoal at a time at the Sale Depot to ensure ready supplies to the Indenting Office during the currency of the contract. Inspections to this effect may be carried out by the department at any time during the contractual period.

3. The Contractor shall supply the Charocoal on cash payment or furnish Performa bill to the Indenting Offices immediately on receipt of requisition from them. The Contractor shall be responsible to make the supply of Charcoal in strict conformity with the approved samples.

4. The Supply of Charcoal to be made to the Indenting departments should strictly conform to the standards of ñApproved Sampleò. In case any complaint from the Indenting Department regarding inferor supply of Charcoal or non-supply of Charcoal is received, the security deposit of the approved supplier shall be forfeited besides taking other action as deemed fit under rules.

5. Neither the Contractor shall sublet the contract to any other person/firm nor should any Indenting Office purchase the Charcoal from the approved Contractor for sale to other office.

6. All the Indenting Offices and the approved Contractor are requested to send a copy of requisiting/supply order of Charcoal to Assistant Director, Stationery and Office Supplies, Jammu for record and reference.

7. If any dispute arises between th contractor and any Indenting Office in respect of this Rate Contract or any matter relating to it, the same shall be referred to any Officer of the Government of Jammu and Kashmir as may be nominated by the Government (ARI Stationery and Printing Department), whose decision shall be conclusive and binding on both the parties.

8. The Rate contact will remain in force up to 15th of March, 2019.

(Sd.) VINOD SHARMA,

Director General.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF INDUSTRIES AND COMMERCE
(REGISTRAR OF SOCIETIES/FIRMS, JAMMU),
UDYOG BHAWAN, RAIL HEAD COMPLEX, JAMMU.

Notice

It is notified for the information of General Public that M/s S. S. Roadside Assistance, Bari Brahmana, District Samba has applied for recording changes in the constitution of their firm under section 63 of J&K State Partnership Act, 1996, whereby (1) Sh. Paras Ram S/o Sh. Shankar Dass R/o Rajpur Koular, Tehsil Bari Brahmana, District Samba has joined the firm (SHG), as new partner on 22-09-2018 (1) Sh. Tarun Tandotra S/o Sham Lal R/o Smailpur, Tehsil Bari Brahmana, District Samba partner in the firm has expired on 22-09-2018 and his name is proposed to be deleted w.e.f. 04-10-2018. Before the changes are recorded in the posting register of the Registrar of Firms, Jammu, anyperson/persons having any objections shall file the same within 15 days from the date of publication of this notice in the Govt. Gazette in the office of Registrar of Societies/Firms, Directorate of Industries and Commerce, Udyog Bhawan, Rail Head Complex, Jammu.

(Sd.) ....

For Registrar of Firms,
J&K Government, Jammu.

THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Thu., the 20th Dec., 2018/29th Agra., 1940. [No. 38

Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENTS—C

POLICE HEADQUARTERS, J&K, JAMMU
(Provision Section).

e-NIT No. 61 of 2018

Dated 01-12-2018.

For and on behalf of the Governor of Jammu and Kashmir, e-Tenders in two cover system (Technical and Financial Bid) are hereby invited from original manufacturers/authorized dealers (having specific authorization from their original manufacturer/s to quote against this tender (as per format provided in Appendix-I) for supply of **Anti Riot Helmet** as detailed in

Annexure-A to this NIT (as indicated in the detailed SBD and BoQs). The download of NIT shall start on **01-12-2018 at 1300 hours.** Tenders shall be submitted online on J&K State e-Procurement Portal www.jktenders.gov.in before **22-12-2018 up to 1600 hours.** The samples shall be submitted at Police Central Store, Gandhi Nagar, Jammu and Police Central Store, Zewan, Srinagar before closing date of submission of e-tender. Samples received after the prescribed date or time shall not be accepted.

The tenders (technical bids only) will be opened on-line on **24-12-2018 at 1100 hours** at Police Headquarters, J&K, Jammu. In case of unforeseen circumstances, the date of opening will be next working day.

Detailed tender documents (SBD) with terms and conditions are available on J&K State e-Procurement Portal www.jktenders.gov.in.

(Sd.) MUBASSIR LATIFI, JKPS,

AIG (Provision/Transport)
for Director General of Police,
J&K, Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,

OFFICE OF THE GENERAL MANAGER, RANBIR GOVERNMENT PRESS, JAMMU (TAWI)ð 180 005.

Short Term Tender Notice

Sealed tenders affixed with revenue stamps worth Rs. 5/- are invited from the interested parties/registered private firms/authorized dealer for the rate contract for supply/installation of **"Internet Set-Up"** as per below mentioned specifications. The tenders should reach in this office of the undersigned by or before **26-12-2018 up to 2.00 P. M.** and shall be opened

on the same day or any other date convenient to the Petty Purchase Committee of the department :ð

S. No.	Accessories Specifications	Quantity
1.	Server Rack	02 Piece
2.	24 Port Switch	03 Piece
3.	8 Port Switch	18 Piece
4.	305 Mt. Roll Cat Cable	1600 Mtrs.
5.	RJ 45 Connecter	200 Piece
6.	Router	02 Piece
7.	Reapter	02 Piece
8.	Flexicable Pipe	70 Piece
9.	Gang Box	20 Piece
10.	Socket 5 Amp & 5 Pin	20 Piece
11.	Power Wire 2½ mm	1700 Mtrs.
12.	Pipe Climp	700 Piece
13.	Batten 6 fit.	200 Piece
14.	Batten Nails	15 Pkts.
15.	Wire Nails	15 Pkts.
16.	Gatti	15 Pkts.

Labour Charges extra.

Terms and conditions :

1. The tenderers are advised to furnish earnest money of Rs. 5,000/- in the shape of CDR/FDR duly pledged to the General Manager, Ranbir Govt. Press, Jammu.

2. The rates are FOR Press included GST and Installation/Labour Charges extra.

3. Before quoting rates, interested parties are advised to visit/inspect the department on any working days for proper assessment of the job.

4. Supply/Installation shall be made within 15 days from the date of placement of supply order.

5. 100% payment will be made after satisfactory result.

For and on behalf of the Governor of Jammu and Kashmir.

(Sd.) F. H. QADRI,

General Manager,
Ranbir Govt. Press, Jammu.

رجسٹرڈ نمبر جے کے۔33

جمّوں وکشمیر گورنمنٹ گزٹ

جلد نمبر 131۔ جموں۔مورخہ 20 دسمبر 2018ء مطابق 29 اگراہن 1940 ویروار نمبر 38

اِشتہارات

از عدالت فارسٹ جوڈیشل مجسٹریٹ سرینگر

سرکار بنام مشتاق احمد میر وغیرہ

علت نمبر 18 سال 2015ء، تھانہ پولیس رام منشی باغ

بجرائم زیر دفعات 420,468/RPC

وارنٹ گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم (1) مشتاق احمد میر ولد محمد باقر ساکنہ قمر وُخانصاحب بڈگام

(2) ریاض احمد آزاد ولد شمس اُلدین ساکنہ جبک کراسنگ سرینگر

(3) قیس علی میر ولد غلام احمد میر ساکنہ بالہامہ

(4) غلام محمد اِلاہی عرف گلزار پیر ولد علی محمد ساکنہ زیون سرینگر۔

حُکم بنام : اہلکاران پولیس ریاست جموں وکشمیر

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر عرصہ دراز سے غیر حاضر چلا آرہا ہے، اُس کو بارہا بطریق معمول طلب کیا گیا ہے۔ اِلا تا ہنوز دستیاب نہ ہوا۔ تعمیل کنندہ نے اپنے رپورٹ میں تحریری طور اظہار کیا کہ ملزم مذکور کا کوئی اتہ پتہ نہ ہے اور اُس کی دستیابی ناممکن ہے۔ پبلک پراسکیوٹر نے اپنے بیان میں سرِ اجلاس اظہار کیا کہ ملزم مذکور مفرور ہے۔ اس طور عدالت ہذا کو اطمینان ہوا ہے کہ ملزم کو بطریق معمول طلب کرنا ناممکن ہے۔

لہٰذا حُکم ہوا کہ ملزم متذکرہ صدر اندر حدود ریاست جموں وکشمیر جہاں کہیں بھی دستیاب ہو، اُسے گرفتار کر کے عدالت ہذا میں پیش کریں۔ درج رہے کہ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گی۔

تحریر اُلصدر 23-04-2018

سرکار بنام مشتاق احمد شاہ (ملزم)

علت نمبر 68، سال 2013ء ، تھانہ پولیس نشاط

بجرم زیر دفعہ 420/RPC

وارنٹ گرفتاری عام زیر دفعہ 512 ض ف

بخلاف ملزم : مشتاق احمد شاہ ولد عبدالغنی شاہ ساکنہ تولمولہ گاندربل

حُکم بنام۔ اہلکاران پولیس ریاست جموں وکشمیر

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر عرصہ دراز سے غیر حاضر چلا آرہا ہے۔اُس کو بارہا بطریق معمول طلب کیا گیا ہے۔ اِلا تا ہنوز دستیاب نہ ہوا،تعمیل کنندہ نے اپنے رپورٹ میں تحریری طور اظہار کیا کہ ملزم مذکور کا کوئی اتہ پتہ نہ ہے اور اس کی دستیابی ناممکن ہے، پبلک پراسکیوٹر نے اپنے بیان میں سرِ اجلاس اظہار کیا کہ ملزم مذکور مفرور ہے۔اس طور عدالت ہذا کو اطمینان ہوا ہے کہ ملزم کو بطریق معمول طلب کرنا ناممکن ہے۔

لہٰذا حُکم ہوا کہ ملزم متذکرہ صدر اندر حدود ریاست جموں وکشمیر جہاں کہیں بھی دستیاب ہو، اُسے گرفتار کر کے عدالت ہذا میں پیش کریں۔درج رہے کہ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گی۔

تحریر اُلصدر 17-05-2018

دستخط : فارسٹ جوڈیشل مجسٹریٹ درجہ اوّل سرینگر۔

ازعدالت سب جج سپیشل موبائل مجسٹریٹ سرینگر

سرکار بنام عادل احمد لون وغیرہ

علت نمبر 05 سال 2010ء، تھانہ پولیس ریلوے بارہمولہ

بجرائم زیر دفعات : 148,336,427/ RPC,151 R Act

وارنٹ گرفتاری عام زیر دفعہ 512 ض ف

بخلاف ملزم: عرفان احمد ڈار ولد غلام حسن ڈار ساکنہ منز سیر سوپور

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر عرصہ دراز سے غیر حاضر چلا آرہا ہے۔ اُس کو بارہا بطریق معمول طلب کیا گیا ہے۔ اِلا تا ہنوز دستیاب نہ ہوا، تعمیل کنندہ نے اپنے رپورٹ میں تحریری طور اظہار کیا کہ ملزم مذکورہ کا کوئی اتہ پتہ نہ ہے اور اُس کی دستیابی بطریق معمول ناممکن ہے، اس طور عدالت ہذا کو اطمینان ہوا ہے کہ واقعی ملزم مذکور کو بطریق معمول طلب کرنا ناممکن ہے۔

لہٰذا حُکم ہوا کہ ملزم متذکرہ صدر اندر حدود ریاست جموں وکشمیر جہاں کہیں بھی دستیاب ہوا اُسے گرفتار کر کے عدالت ہذا میں پیش کریں۔ درج رہے کہ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گی۔ تحریر اُلصدر

دستخط: سب جج سپیشل موبائل مجسٹریٹ درجہ اوّل سرینگر۔

EXTRAORDINARY REGD. NO. JKð 33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Fri., the 28th Sept., 2018/6th Asv., 1940. [No. 26-f

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

———————

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATï TRANSPORT DEPARTMENT

Notification

Srinagar, the 28th September, 2018.

SRO-441.ð In exercise of powers conferred by sections 10, 11 and 12 of Jammu and Kashmir State Road Safety Council Act, 2018 read with section 138 of Motor Vehicles Act, 1988 (Central Act 59 of 1988),

;

the Governor is pleased to make following rules to operationalize Jammu and Kashmir Road Safety Fund, namely :ð

1. *Short title and commencement***.**ð (1) These rules may be called the Jammu and Kashmir Road Safety Fund Rules, 2018.

(2) These rules shall come into force from the date of their publication in the Government Gazette.

2. *Definitions*.—In these rules, unless the context otherwise requires,ð

(a) ñActò means the Jammu and Kashmir State Road Safety Council, Act, 2018 ;

(b) ñCommitteeò means the Committee constituted under the rules for proper management of the Fund ;

(c) ñCouncilò means the Jammu and Kashmir State Road Safety Council ;

(d) ñCompounding feeò means fee collected by the officers authorized under Section 200 of the Motor Vehicles Act, 1988 ;

(e) ñEnforcement agenciesò mean, officers of Transport, Traffic, Police and other Departments authorized to exercise the powers of challan under Motor Vehicles Act, 1988 and Jammu and Kashmir Motor Vehicles Rules,1989 ;

(f) ñFinancial yearò means a period of twelve months commencing on the first day of April of a calendar year ;

(g) ñFundò means the Jammu and Kashmir Road Safety Fund ;

(h) ñSchemeò means scheme implemented to achieve the objectives of the Fund ;

(i) ñStateò means the State of Jammu and Kashmir ;

(j) ñState Governmentò means Government of Jammu and Kashmir in the Administrative Department.

3. *Budget Head of Fund and its objective*.ð The expenditure shall be made for the activities strictly as defined under section 12 of the Jammu and Kashmir State Road Safety Financial Act, 2018.

4. *Accounting, classification.—maintenance of Fund and audit.*— (1) The Grant-in-Aid (GiA) shall be released annually by the Finance Department under Public Deposit Account for which necessary classification shall be provided by the Finance Department. The expenditure shall be debited to the Deposit Head of the account so created.

(2) The Deposit Account shall be maintained by the Director, Finance, FA&CAO as the case may be and all the agencies making expenditure as per the provision of these rules shall render account to the Director, Finance, FACAO of the Transport Department.

(3) Accounts shall be reconciled periodically with the records at Office of Accountant General (Accounts and Entitlements), Jammu and Kashmir. Before closure of Annual Accounts, orders related to reconciliation/adjustments shall be made available to the Accountant General (Accounts and Entitlements), Jammu and Kashmir, simultaneously.

(4) Funds unutilized at closure of financial year shall not lapse, and shall be provided during next financial year in addition to yearly contribution as mentioned in rule 6 of these rules.

(5) Accounts shall be audited by the Accountant General (Audit), Jammu and Kashmir.

5. *Transfer of Fund.*— The money shall be transferred out of this Fund to concerned Head of the Department/Drawing and Disbursing Officer concerned as per Schemes sanctioned by the Committee. The executing agencies shall spend the money as per these rules and submit utilization certificate of released funds to the Member-Secretary on quarterly basis every year.

6. *Sources of Fund.*ð The sources of fund shall be same as defined under section 10 of the Jammu and Kashmir State Road Safety Act, 2018 the non-lapsable Road Safety Fund shall comprise of ð

(a) Grant-in-Aid (GiA) from the State Government shall comprise of 50% receipts collected by Motor Vehicles Department and Traffic Police through compounding of traffic rule violations during previous financial year ;

(b) Grants/Loans/Advances from Central Government ;

(c) Contribution from public/private institutions or voluntary organization ;

(d) Special cess collected from all types of motor vehicles.

7. *Fund Management Committee.*ð The State Government shall constitute a Committee for Management of the Fund, consisting ofð

1.	Administrative Secretary, Finance Department, J&K	Chairman
2.	Administrative Secretary, Transport Department, J&K	Member
3.	Administrative Secretary to Government, Home Department (representative not below the rank of Special Secretary)	Member
4.	Administrative Secretary to Government, School Education Department (representative not below the rank of Special Secretary)	Member
5.	Administrative Secretary to Government, PW(R&B) Department (representative not below the rank of Special Secretary)	Member
6.	Administrative Secretary to Government, Health and Medical Education Department (representative not below the rank of Special Secretary)	Member
7.	Administrative Secretary to Government, Housing and Urban Development Department (representative not below the rank of Special Secretary)	Member

8.	Administrative Secretary to Government, Planning Development and Monitoring Department(representative not below the rank of Special Secretary)	Member
9.	Inspector General of Police, Traffic	Member
10.	Transport Commissioner, J&K	Member-Secretary

All members of the Committee shall be ex-officio members. Quorum of the Committee shall be six members.

8. *Powers of Committee.*ð Delegation of Financial Powers of the Committee shall be defined by the Council from time to time.

9. *Conditions for the Schemes to be financed from the Fund.*ð

Terms and conditions for schemes to be financed from the Fund shall be as below :ð

(a) Selection of schemes shall be made by Management Committee of the Fund under norms as may be determined from time to time by the State Government ;

(b) Schemes/Plans shall be completed within stipulated time lines ;

(c) Payment of salaries to officers/officials substantively posted in the Lead Agency and establishment/office expenditure of Lead Agency shall be made from the Fund with approval of Management Committee of the Fund ;

(d) No amount from this Fund shall be invested for giving loans for earning interest ;

(e) The amount sanctioned from the Fund shall be utilized only for the purpose for which it is sanctioned.

(f) Work permissible under these rules can be done in entire Jammu and Kashmir State.

10. *Duties of the Committee.*ð (1) The Committee shall meet once in every quarter of the financial year.

(2) The Committee shall review physical and financial progress of sanctioned schemes.

(3) The Committee shall ensure maintenance of accounts in accordance with rules.

(4) All proposals and Action Plan shall be placed before the State Road Safety Council for information of the Council.

11. *Schemes to be financed.*ð Schemes to be financed from the Fund shall be as below :ð

(a) Road safety measures :

i. to install and maintain mandatory/regulatory, cautionary and informative road signboards, traffic signals and signages as per immediate local needs, in the interest of public safety, wherever it is not possible for other Departments to install/ maintain them ;

ii. to set up ñRoad Accident Data Base Management Systemò for gathering data related to road accidents and for analysis of road accidents data to frame policies to reduce road accidents and to take corrective/reformatory measures ;

iii. to identify accident prone places/black spots ;

iv. to purchase and maintain ambulances, other accessories, salaries of driver, paramedic staff and expenditure on fuel of ambulances utilized to provide immediate medical relief to persons injured in accidents wherever it is not possible to incur expenditure by other Departments ;

v. to reimburse expenditure incurred on transportation of persons injured in road accidents to hospitals in case of exigencies ;

vi. to purchase and maintain equipment for traffic management and road safety including cranes and weighing machines/ weigh bridges etc. ;

vii. to strengthen driving training systems and setting up model driving training schools and driving test tracks and strengthening existing driving license system ;

viii. to set up certification centers for checking fitness of vehicles and issuance of certificates of fitness ;

ix. to provide Mobile Testing Equipment for vehicles ;

x. to set up check posts, install weigh bridges and maintain parking areas for impounded vehicles ;

xi. to undertake any measures related to road safety and traffic management which the Committee deems appropriate.

(b) Traffic Education :

i. to establish traffic education parks ;

ii. for wide publicity of traffic rules ;

iii. to organize competitions for imparting knowledge of traffic rules and building awareness about road safety amongst students and general public ;

iv. to prepare publicity material related to traffic management and road safety ;

v. to purchase and maintain equipment related to traffic education ;

vi. to purchase publicity vans equipped with audio-video equipnnent, computers/other accessories to utilize them to impart traffic education to public at large ;

vii. to organize road safety exhibitions ;

viii. to organize seminars, workshops, meetings, rallies, competitions and other such programme related to road safety ;

ix. to organize traffic related training for officers/staff of police, transport and Urban Local Bodies ;

x. to conduct studies to improve traffic management for controlling road accidents.

(c) Traffic Enforcement :

i. to purchase, operate and maintain modern traffic enforcement equipment ;

ii. to purchase and maintain vehicles.

12. *Duties of Member-Secretary.*— (1) Member-Secretary shall place ñroad safety Schemes received from Transport, Traffic Police, Health, PW(R&B) or any other Government Department; District Road Safety Committees and NGOs working on road safety or prepared *suo moto,* before the Committee after due examination.ò

(2) He/she shall co-ordinate necessary works related to successful execution of approved schemes.

(3) He/she shall submit detailed reports of receipts and expenditure from the Schemes to the State Government, as may be required from time to time.

(4) He/she shall ensure maintenance of a separate account of the Scheme in accordance with the rules.

13. *Responsibilities for execution of Schemes*.ð (1) Head of the Department concerned shall be responsible for successful execution of Schemes approved by the Committee. They shall regularly monitor construction, maintenance and repair of assets/equipment financed from the Scheme within their respective jurisdiction. They shall supervise, monitor and review physical and financial progress of schemes on monthly basis and send progress reports to the Member-Secretary. Senior

most District level Officer of the respective Department shall be responsible for issuing completion certificate of the Scheme within his/ her jurisdiction.

(2) For purchases, Head of Department concerned shall ensure that relevant rules and Government instructions are complied with.

By order of the Government of Jammu and Kashmir.

(Sd.) Dr. ASGAR HASSAN SAMOON, IAS,

Principal Secretary to Government,
Transport Department.

EXTRAORDINARY REGD. NO. JKð 33

THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

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PART I—B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIES AND COMMERCE DEPARTMENT

Subject :ð J&K Start-up Policy, 2018.

Reference :ð SAC Decision No. 66/12/2018 dated 12-09-2018.

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Government Order No. 224-IND of 2018

Dated 13-09-2018.

Sanction is hereby accorded to the adoption and implementation J&K Start-up Policy, 2018 as per annexure to this Government Order with immediate effect.

By order of the Government of Jammu and Kashmir.

(Sd.) SHAILENDRA KUMAR, IAS,

Principal Secretary to Government,
Industries and Commerce Department.

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J&K Start-up Policy-2018

1. **Vision**.ð To nurture and inspire the young and entrepreneurial brains of Jammu and Kashmir to pursue innovation and entrepreneurship by creating a vibrant and conducive Start-up eco-system in the State.

2. Objectives.ð The policy aims to achieve the following objectives :ð

1. Facilitate and nurture the growth of at least 500 new Start-ups in Jammu and Kashmir in next 10 years.
2. Establish at least 10 new state-of-the-art incubators across all three regions of the State including private sector.
3. Facilitate access to early stage investments for aspiring and existing Start-ups.
4. Facilitate setting up of Innovation Labs in selected Higher Secondary Schools and Colleges.
5. Facilitate setting up of at least 3 Fabrication Labs, one each in Jammu, Kashmir and Ladakh regions.
6. Create a strong institutional framework for effective implementation, monitoring and evaluation of this policy.

3. **Definitions :**

3.1 **Innovative Project :** Any idea capable of introducing new or disruptive technology in the development of existing and new products, processes or services, capable of addressing any of the present challenges before the society at large in an effective manner.

3.2 **Entity :** A Private Limited Company (as defined in the Companies Act, 2013) or Limited Liability Partnership (under The Limited Liability Partnership Act, 2008) or a Partnership Firm under J&K Partnership Act, 1996 (1939 A. D.).

3.3 **Start-up :** An Entity shall be considered as a óStart-upô under this policy, it fulfils all of the following :ð

1. It is incorporated/registered within the period of last 7 years ;

2. Its turnover for any of the financial year since incorporation registration has not exceeded Rs. 25 Crore ;

3. The entity is not formed by splitting up or reconstruction of an existing business ;

4. It is not incorporated/registered as a subsidiary of an existing Indian or foreign company ;

5. It is working towards innovation, development or improvement of products/processes/services Or if it is a scalable business model with a high potential of employment generation or wealth creation ; and

6. It is incorporated/registered in Jammu and Kashmir Or employees atleast 50 per cent of its permanent workforce from Jammu and Kashmir.

3.4 **Start-up Hub :** A Hub is fundamentally a platform for existing as well as aspiring entrepreneurs to get connected with various promoters of Start-up eco-system such as business incubators, accelerators, Venture Capital firms, angels, mentors, etc.

3.5 **Incubator :** An Organization or an Institute (Govt./Semi-Govt./ Private) willing to support Innovative Projects and Start-ups during their early stages to help develop the new and innovative ideas or concepts or a scalable business model into a marketable product/ service through business support services and resources such as physical space, capital, coaching and mentoring for entrepreneurship development, marketing, finance, accounting, research, regulatory, legal services and providing networking opportunities. It must fall under one of the following categories :ð

i. Registered Company under Section 8 of the Companies Act, 2013 ;

ii. Private Limited Company (under The Companies Act, 2013) ;

iii. Public Company (under The Companies Act, 2013) ;

iv. Limited Liability Partnership (under The Limited Liability Partnership Act, 2008) ;

v. Registered under J&K Societies Act ; or

vi. Registered under J&K Partnership Act, 1939.

The Incubator, when in operation, should facilitate at least 3 months of in-person or virtual interaction with the adopted Innovative Projects/ Start-ups.

3.6 **Angel Investor :** Angel Investors are usually affluent or high net worth individuals who provide early/seed stage financing to Start-ups in lieu of the ownership in the form of equity stake in the Start-ups they invest in.

3.7 **Innovation Labs :** Innovation Labs are dedicated works spaces where students and other interested individuals learn innovation skills and develop ideas capable of providing technological/ innovative solutions to human problems and thus transforming society. The labs shall be powered to acquaint students/entrants with state-of-the-art equipment such as 3D-Printers, Robotics and Electronics Development Toolôs, Internet of Things (loT) etc.

3.8 **University :** University established or incorporated by or under a Central or State Act and includes any such institution recognized by the University Grants Commission (UGC).

3.9 **Entrepreneurship Development Cell (EDC) :** Entrepreneurship Development Cell (EDC) is a centre where the skills required to become an entrepreneur are developed such as but not limited to the following :ð

1. To develop entrepreneurial flair in students ;
2. To make students understand entrepreneurial attitude and entrepreneurial skills ;
3. To provide a platform which gives number of outreach and awareness opportunities.

3.10 **Fabrication Lab :** A Fabrication Lab is a platform for learning and innovation. A place to play, to create, to learn, to mentor, to invent. A Fabrication Lab may be comprised of off the shelf, industrial grade fabrication and electronics tools, wrapped in open source software and programs written by researchers. Fab. Labs

may have a laser cutter that makes 2D and 3D structures, a sign cutter that plots in copper to make antennas and flex circuits, a high resolution Numeric Control (NC) milling machine that makes circuit boards and precision parts, a large wood router for building furniture and housing, and a suite of electronic components and programming tools for low cost, high speed microcontrollers for on-site rapid circuit prototyping. Above are a few illustrations only.

4. **Institutional Framework :**

4.1. **State Level Empowered Committee (SLEC) for Start-ups :** A State level decision making body of the following composition shall periodically monitor the performance of the State Start-up Ecos-ystem and take necessary decisions for encouragement of innovations in the State and modify the policy/guidelines from time to time as felt necessary :ð

1.	Chief Secretary, J&K	Chairman
2.	Administrative Secretary, l&C Department	Member Convener
3.	Administrative Secretaries of Science and Technology, Finance, Technical Education, Higher Education, School Education Departments	Members
4.	Director, JKEDI	Member-Secretary
5.	Directors of l&C and Technical Education Departments	Members
6.	Managing Directors, J&K SIDCO/SICOP	Members
7.	One representative each of the Central Universities/State Universities/ IIMs/IITs/NlTs of J&K, not below the level of Associate Professor	Members
8.	Director, STPl, Rangreth	Member
9.	Representative of J&K Bank	Member

10.	Presidents of KCCI, JCCl, ICTA, J&K	Members
11.	Leading Investor (Venture Capital Firm/Angel Investor)	Invitee Member
12.	A leading Start-up from Jammu and Kashmir	Invitee Member

4.2 **Start-up Task Force :** A task force with following composition shall monitor the implementation of the policy and decisions of SLEC on regular basis :ð

1.	Administrative Secretary, l&C Department	Chairman
2.	Director, JKEDI	Member-Secretary
3.	Spl./Addl. Secretary, I&C Department	Member
4.	Representative of each recognised incubator	Member
5.	Leading Investor (Venture Capital Firm/Angel investor)	Invitee Member
6.	Leading Start-up from Jammu and Kashmir	Invitee Member
7.	Need based members from academia, Government, investors and think tanks may be co-opted as and when required.	

4.3 **State Nodal Agency and Nodal Officer :** The Jammu and Kashmir Entrepreneurship Development Institute (JKEDI) shall be the Nodal Agency for implementation of this Policy and Director, JKEDI shall be the State Nodal Officer.

5. **Focus Sectors :** The Policy shall give special attention to Start-ups with disruptive value additions in the following illustrative focus sectors :ð

1. Food Processing and Allied activities.
2. Agriculture including Horticulture and Floriculture.
3. Textiles, Apparel and Fashion Technology.
4. Renewable Energy.
5. Handicrafts and Handlooms and their design element.

6. Electronics System Design and Manufacturing.

7. Information Technology enabled Services.

6. **Enablement :** To ensure smooth execution of the Policy, following recognition mechanism shall be adopted :ð

6.1 **Setting up of Start-up Hub in the State :** The J&K EDI has various facilities that are basic for setting up of an efficient Start-up Eco-system. The Start-up Hub with two parallel Centres shall be located one at EDI, Pampore in Kashmir and another at EDI, Bari Brahmana in Jammu.

6.2 **Recognition of a Start-up, Incubator and Angel Investor :** For recognition of a Start-up, Incubator and Angel Investor by the Nodal Agency they shall have to apply as per below given procedure :ð

6.2.1 **Application procedure for recognition of Start-ups :**

1. An entity willing to get recognised as a start-up shall make an online application over mobile app or portal set up by the Nodal Agency ;
2. The application shall be accompanied byð
   a. A copy of Certificate of Incorporation or Registration, as the case may be ;
   b. A write-up about the nature of business highlighting how it is working towards innovation, development or improvement of products or processes or services, or its scalability in terms of employment generation or wealth creation ; and
   c. Other details as specified in the online application format.
3. The Nodal Agency may, after calling for such documents or information and making such enquires, as it may deem fit, do as under :ð
   a. Recognise the eligible entity as Start-up ; or
   b. Reject the application by providing reasons.

6.2.2 **Application procedure for recognition of an Incubator :** An incubator located in Jammu and Kashmir shall make an online application over the mobile app or portal set up by the Nodal Agency for the purpose. The incubator must fulfil following conditions at the time of application :ð

1. The incubator should have a minimum of 3,000 sq. feet of carpet area dedicated to the incubates ;
2. The incubator should have facilitated at least 3 months of in-person or virtual interactions for its incubates ;
3. The Incubator should be in existence for at least 1 year and have a minimum of 5 incubates graduated or on rolls at the time of filing up of application.

To start with, the following Institutions may initiate steps for establishing Incubator Centres in the State for encouraging innovation and entrepreneurship through Start-ups and may apply for getting registered as Incubators; which is illustrative and not exhaustive :ð

Jammu Province :

1. University of Jammu, B. R. Ambedkar Road, Jammu.
2. Central University of Jammu.
3. Shri Mata Vaishno Devi University (SMVDU), Kakryal, Katra.
4. Baba Ghulam Shah Badshah University (BGSBU), Rajouri.
5. Indian Institute of Technology (IIT), Jammu.
6. Indian Institute of Management (IIM), Jammu.
7. Indian Institute of Integrated Medicines (llIM), Jammu.
8. GGM Science College, Canal Road, Jammu.
9. Govt. College for Women Parade, Jammu.
10. Govt. Boys Polytechnic College, Bikram Chowk, Jammu,
11. Satellite Campus, Bhaderwah, University of Jammu.

12. Government P. G. College, Kathua.

13. Government P. G. College, Poonch.

14. Government Degree College, Samba.

Kashmir Province :

1. University of Kashmir (KU), Hazratbal, Srinagar.

2. SK University of Agricultural Sciences and Technology, Kashmir (SKUAST-K).

3. Central University of Kashmir (CUK), Ganderbal.

4. Islamic University of Science and Technology (lUST), Awantipora

5. Government Womenôs College, MA Road, Srinagar

6. J&K Entrepreneurship Development Institute (EDI), Pampore.

7. Kashmir Government Polytechnic College, Srinagar.

8. SSM College of Engineering and Technology, Parihaspora, Baramulla.

9. Craft Development Institute (CDl), Srinagar.

10. Indian Institute of Carpet Technology (IICT), Srinagar.

11. National Institute of Technology (NIT), Srinagar.

12. Software Technology Parks of India (STPl), Rangreth, Srinagar.

13. Information and Communications Technology Association (ICTA) of J&K, Srinagar.

14. Govt. Degree College, Leh.

15. Govt. Degree College, Kargil.

The criteria of years of existence and minimum incubates shall not be applicable forð

1. incubators funded by Central or State Government or any Agency/Public Sector Undertaking of Central Government or State Government ; and

2. incubators in academic institutions recognised by Central Government or State Government or by an Act of Parliament of India or Jammu and Kashmir State Legislature.

The Atal Innovation Mission of Government of India provides a grant-in-aid of up to Rs. 10 Crore for a maximum period of 5 years to cover the capital and operational expenditures to establish an Atal Incubation Centre (AlC). The institutions or individuals can avail this funding for establishment of the Incubation Centers in the State provided they spare minimum 10,000 Sqft. space for the purpose while fulfilling the other conditions of the Mission as well.

6.2.3 **Application procedure for recognition of an Angel Investor :** An angel investor shall make an online application over the mobile app or portal set up by the Nodal Agency. The applicant must fulfil following conditions at the time of application for recognition :ð

1. Should be resident of Jammu and Kashmir ; and

2. (a) The average returned income for the preceding three financial years should be Rs. 25 lakh or more ; Or

(b) Should have the net worth of Rs. 2 Crore or more as on the last date of the preceding financial year.

6.3 **Start-up Portal and Mobile App :** The State Nodal Agency shall develop a Start-up Portal and Mobile App with all information related to the policy, its benefits and the procedure to avail benefits. All applications would be accepted online only and resource flow shall also be done online.

6.4 **Dedicated Helpline, Email ID and Facilitation Cell :** The Nodal Agency shall have the following :ð

1. A dedicated helpline to answer all Start-up related queries activated in English, Hindi, Urdu and Kashmiri ;

2. A dedicated Email ID on the Start-up portal to answer all queries via Email ;

3. The Nodal Agency shall have dedicated facilitation cells in Jammu and Srinagar for all walk-in queries.

The helpline, Email ID and facilitation cells shall assist in addressing all queries regarding Start-ups, registering a business, raising funds/loans, policy clarifications, etc.

6.5 **Promotion :** The State Government shall promote Jammu and Kashmir as a Start-up destination through participation in National and International events.

6.6 **Role of State Level Empowered Committee (SLEC) for Start-ups :** The SLEC shall meet at least twice a year and perform the following functions but not limited to :ð

i. Empanelment of incubators/mentor institutions, including those outside the State on a case-to-case basis received through Nodal Agency ;

ii. Monitor performance of policy implementation through periodic reviews ;

iii. Issuing directions to the stakeholder departments agencies as may be necessary for policy implementation ;

iv. Policy review and amendments.

6.7 **Role of Start-up Task Force :** The Task Force shall meet on regular basis as per requirement and perform the following functions :ð

i. It shall approve and disburse the defined incentives to the recognized Start-ups and Incubators ;

ii. Define specific performance indicators for monitoring the policy objectives ;

iii. Periodically review the implementation process and report the progress to SLEC ;

iv. Review the policy document from time to time and give recommendations to the SLEC to realign it as per changing needs of the Start-up eco-system.

6.8 **Role of Nodal Agency :** The Nodal Agency shall perform the following functions but not limited to :ð

i. Design and implement the Start-up Policy ;

ii. Develop an online system for tracking the progress on policy objectives in real time ensuring transparency and accountability in the process of target monitoring and reporting ;

iii. Scrutinize online applications for the recognition of Start-ups, incubators and Angel investors ;

iv. Make recommendations to Start-up Task Force for approval of benefits/incentives available under this policy in favour of recognised Start-ups and Incubators ;

v. Monitor the performance of recognised incubators ;

vi. Handle grievance redressal ;

vii. Function as the single point of contact for the entire Start-up eco-system in the State.

6.9 **Review Mechanism :**

This policy shall be reviewed once a year. A status report shall be commissioned by the Nodal Agency to critically appraise the usefulness of the policy, its ease of implementation, outcomes achieved and identification of gaps, if any. The report shall be placed before the SLEC through the Start-up Task Force.

7. **Benefits/Incentives** :

7.1 An entity recognized as a Start-up as per the definition in this policy shall be eligible to avail the following benefits/incentives, which can be periodically reviewed and enhanced by the Government.

7.1.1 **Office Space :**

The Government of Jammu and Kashmir shall provide co-working space with uninterruptible high speed Internet to the selected recognised Start-ups at a subsidized price through JKEDI at its campuses in Pampore and Bari-Brahmana and at all the 22 district centres.

7.1.2 **Monthly Allowance :**

Monthly Allowance of Rs. 10,000 (for a period of one year) shall be paid to the Start-ups subject to the approval of Start-up Task Force and if it fulfils any of the following conditions :ð

1. Has total equity financing of at least Rs. 5 lakhs from a Venture Capital Firm or a recognised Angel investor ; or
2. Has sanction letter of funding/grant from Government of India or any State Government ; or
3. The Start-up is physically incubated in a recognised incubator of the State for a period of 3 months.

In case of the Start-ups falling under following categories the monthly allowance shall be Rs. 12000 :ð

i. If the Start-up is from any of the focus sectors ;

ii. If it is founded by SC/ST/Women/ Specially Abled (with more than 40% disability) ;

iii. If at least 25% of the shareholding is held by SC/ST/ women/physically challenged ;

iv. If the SC/ST/Women/Specially Abled (with more than 40% disability) are the single largest shareholder in the Start-up.

7.1.3 **Assistance for Product Research and Development/ Marketing Publicity :**

A one-time assistance up to Rs. 10 lakhs may be given to a recognized Start-up for Product Research and Development or introduction of an innovative product or service in the market which shall be subject to the approval of Start-up Task Force and fulfilment of any of the following conditions :ð

1. Start-up has got total equity financing of at least Rs. 10 lakhs from a Venture Capital Firms or recognised Angel investor ; or

2. Sanction Letter of funding/grant to the entity by Government of India or any State Government of at least Rs. 5 lakhs ; or

3. The Start-up is physically incubated in a recognised incubator of the State for a period of 3 months at least ; or

4. The Start-up has either published or has been granted a domestic or international patent ;

5. The Start-up has already been granted a monthly allowance under the Start-up framework.

In case of the Start-ups falling under following categories the assistance for R&D/marketing/publicity shall be up to Rs. 12 lakh :ð

i. If the Start-up is from any of the focus sectors ;

ii. If it is founded by SC/ST/Women/Specially Abled (with more than 40% disability) ;

iii. If at least 25% of the shareholding is held by SC/ST/ women/physically challenged ;

iv. If the SC/ST/Women/Specially Abled (with more than 40% disability) are the single largest shareholder in the Start-up.

7.1.4 **Energy Assistance :**

To ensure uninterruptible power supply to Start-ups, 100% subsidy on purchase and installation of Diesel Generator Set or Solar/Wind Generator or Hybrid Solar Wind System shall be available to recognised Start-ups, subject to the terms and conditions of Jammu and Kashmir State Industrial Policy, 2016 and Procedural Guidelines to the Industrial Policy, 2016-26. Energy charges from Power Department would be the same as it is for the Industrial Units.

7.1.5 **International Patent Filing Cost Reimbursement :**

Subject to the approval of Start-up Task Force, cost incurred by recognized Start-ups for filing foreign patents on a single subject matter and patent prosecution shall be reimbursed up to 50% of the actual

cost or up to Rs. 5 lakhs whichever is less. The reimbursement of the eligible cost on foreign patent shall be done in 2 stages, i. e. 50% after the patent is published and the balance 50% after the patent is granted.

7.1.6 **Tax benefits/Exemptions :**

Tax Benefits and Exemptions as defined in the Industrial Policy, 2016 shall also be applicable to the recognized Start-ups in the State. Any amendments/changes made from time to time made to Industrial policy shall also be applicable to the recognized Start-ups.

7.1.7 **Public Procurement :**

All State Government Departments/Agencies/Public Sector Undertakings shall be authorized to relax norms in public procurements, subject to fulfilment of quality and technical specifications. All recognised Start-ups shall be given exemption from the prior experience criteria and prior turnover criteria in all public procurement. The Start-ups shall be required to pay 50% of the amount of Earnest Money Deposit or Bid Security prescribed by the tendering authority or Rs. 5000 whichever is lower. Tender documents shall also be supplied to the Start-ups @ 50% of the price or at Rs. 500 whichever is lower. This is as per provision available in the Industrial Policy, 2016 at Para 3.24 which got extended to Start-ups in light of SAC Decision No. 20/3/2018 issued vide Government Order No. 180-lND of 2018 dated 16-07-2018. The notification(s) in this regard may be revised from time to time to be in sync with the notification(s) issued by the Central Government.

7.1.8 **Self-Certification of compliance under Labour Laws :**

The State Government would endeavour to initiate process of Self-Certification for Start-ups and Micro and Small Enterprises under different Labour Laws applicable in the State.

7.1.9 **Exposure visits and workshops for Start-ups :**

A corpus fund shall be created to conduct training workshops and to organize exposure visits for the State Start-ups and incubates of the recognized incubators to national and international Start-up eco-systems/ innovation hubs. Incentives in the form of conveyance, travel allowance/ daily allowance, subsidized stall space shall be offered.

Selected Start-ups shall be send to leading Start-up destinations in the country and abroad for getting exposure as well as an opportunity to meet and converse with leading Start-ups, thinkers and innovators. Provision shall be made to ensure 1/3rd representation of women entrepreneurs in all exposure visits. Existing programmes of the State Government such as Entrepreneurship Awareness Programme (EAP) shall also be accessed for some of these purposes.

7.2 **Infrastructure Support :**

As part of State Government initiative to make Jammu and Kashmir a Start-up State, the Government would strive towards developing world class infrastructure. The list of Incubators, EDCs, Fab. Labs, IPR Facilitation Office shall be made available on the Jammu and Kashmir Start-up portal which shall be updated on regular basis.

8. **Financing :**

In order to facilitate access to investment opportunities, the Government shall encourage the Banks and financial institutions to enhance and extend their existing schemes of lending to the Start-ups on convenient terms (e. g. collateral-free lending, soft loans etc.).

8.1 **Grand Challenge for Idea to Proof of Concept (PoC) Fund :**

The Nodal Agency in collaboration with other Ministries of the State/Central Government shall organise sector specific Grand Challenge at least two times a year. The challenge shall be a unique opportunity for individual innovators or early stage Start-ups to come up with commercially viable solution for specific challenges which shall contribute to well being of the State.

Funding shall be in the form of Grant-in-aid to be released in tranches based on the life cycle of the business plan and cost of running pilot.

The Nodal Agency in conjunction with the concerned partner department shall contribute for the required grant-in-Aid.

8.2 **Innovation/Skill Development Fund :**

The State Government shall establish Innovation/Skill Development Fund as envisaged in Industrial Policy, 2016 (Para 3.13), i. e. 10% of

the land premium charged by J&K SIDCO/SICOP every year while allotting land to Industrial Units on lease basis shall from the corpus for this fund. Rules for operating this fund would be notified separately. The fund shall also be used for the workshops, hackathons, boot camps and exchange programs.

8.3 **Jammu and Kashmir Angel Network (JKAN) :**

To create and promote alternate funding options for the State Start-ups, the Government will encourage Industrialists and Entrepreneurs to establish a Jammu and Kashmir Angel Network.

9. **Academic Interventions :**

9.1 **Innovation Labs :**

Schools and Colleges shall be encouraged to set up innovation labs. Budgetary provision would be kept to facilitate setting up of innovation labs in selected schools and colleges. For setting up an innovation lab, each selected School/College shall be provided funding up to Rs. 5 lakhs and set up support by Jammu and Kashmir Nodal Agency.

9.2 **Syllabus Update :**

Schools, Colleges and Universities shall be advised to update their respective curriculums to include a compulsory course on ñEntrepreneurship Developmentò as an optional subject, to inspire students with the aspiration, capacity and inclination towards entrepreneurship. Various nationally and internationally accredited Massive Open Online Courses (MOOCs) focused on entrepreneurship can be included in the academic curriculum.

9.3 **Establishment of EDC (Entrepreneurship Development Cell) Network :**

Colleges/Universities that set up EDCs to encourage students to take up entrepreneurship at the college level shall be networked. The network shall facilitate cross pollination of ideas across institutions and disciplines.

9.4 **Training of trainers :**

Innovation and entrepreneurship teachers can propel the youth towards breakthrough discoveries. Strong emphasis shall be put on

training the local faculty by Industry Veterans, Corporate and other leaders from start-up eco-system.

9.5 **Project Work :**

Student entrepreneurs working on Start-up ideas in any of their graduation year shall be permitted to convert their Start-up project as their final year project towards their degree completion.

9.6 **Attendance Relaxation :**

Students in Schools/Colleges/Universities involved in setting up of Start-ups through recognized incubators shall be given a relaxation in attendance up to 20%.

10. **Awareness and Outreach :**

10.1 **Youth Innovation and Exposure Programme (YIEP) :**

Youth Innovation and Exposure Programme would be set up to conduct in-house Start-up events in colleges and outside State exposure visits for college students to the leading Start-up destinations. It shall provide an opportunity to meet and converse with leading Start-ups, thinkers and innovators. Provision shall be made to ensure 1/3rd representation of women.

10.2 **Mentorship boot camps :**

The Government shall take necessary steps to promote entrepreneurship at school and college level by establishing Boot Camps in schools and colleges as required. These boot camps shall be done in partnership with national and international incubators, accelerators, Start-up evangelists, and industry associations to ensureð

1. That the participating students/entrepreneurs get necessary mentorship.

2. Information dissemination of global best practices.

10.3 **Annual Start-up Festival of Innovations :**

Entrepreneurship and Innovation themed annual festival of innovations shall be conducted to encourage the youth to have a problem solving mindset and take up entrepreneurship. The festival shallð

1. Provide a platform to showcase innovations.

2. Invite International experts to interact with local eco-system stakeholders.

10.4 **Hackathon :**

To promote and develop the spirit of problem solving in students and Start-ups, two hackathons would be organised every year. The problem statements for hackathon may be invited from various Government Departments. Jammu and Kashmir Nodal Agency shall facilitate the winning Start-ups and students.

11. **Subsuming the existing scheme for Start-ups.—**The ñScheme for setting up of Start-up Hub and Incubators in J&K notified vide G. O. No. 248-lnd of 2017 dated 25-10-2017 shall be subsumed in the Start-up Policy and be part of this Policy.

12. **Policy Period and Validity.—** This Policy shall be valid for a period of ten years from the date of its notification or till a new policy is formulated.

EXTRAORDINARY REGD. NO. JKð 33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Sat., the 15th Dec., 2018/24th Agra., 1940. [No. 37-14

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATï ï DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(*Legislation Section*)

Jammu, the 15th December, 2018.

The following Act has been assented to by the Governor on 15th December, 2018 and is hereby published for general information :ï ï

THE JAMMU AND KASHMIR APPROPRIATION (NO. 1) ACT, 2018.

(Governor's Act No. LIV of 2018)

[15th December, 2018.]

An Act further to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the Jammu and Kashmir State for the Services of the Financial Year 2018-19.

Be it enacted by the Governor of Jammu and Kashmir State in the Sixty-ninth Year of the Republic of India.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :

1. *Short title.* This Act may be called the Jammu and Kashmir Appropriation (No. 1) Act, 2018.

2. *Issue of Rs. 1,381,224.73 Lakh out of the Consolidated Fund of the Jammu and Kashmir State for the Financial Year 2018-2019.* From and out of the Consolidated Fund of the Jammu and Kashmir State, there may be withdrawn sums not exceeding those specified in Column 5 of the Schedule hereto amounting in the aggregate to the sum of Rs. 1,381,224.73 Lakh (Rupees THIRTEEN LAKH EIGHTY-ONE THOUSAND TWO HUNDRED TWENTY-FOUR LAKHS AND SEVENTY-THREE THOUSAND ONLY) towards defraying the several charges which will come in course of payment during the Financial Year 2018-2019 in respect of the services specified in Column 2 of the said Schedule.

3. *Appropriation.* The sums authorized to be withdrawn from and out of the Consolidated Fund of the Jammu and Kashmir State by the Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

———————

THE SCHEDULE

(*See sections 2&3*)

Name of Demand	Service and purpose	Sums not exceeding (in lakh)		
		Voted	*Charged on the Consolidated Fund*	Total
1	2	3	4	5
01.	**GENERAL ADMINISTRATION DEPARTMENT**			
	REVENUE ACCOUNT			
2012ð	President, Vice-President/ Governor/Administrator of Union Territories	0.00	*470.50*	470.50
2013ð	Council of Ministers	25.71	*0.00*	25.71
2015ð	Elections	8.25	*0.00*	8.25
2051ð	Public Service Commission	0.00	*287.00*	287.00
2052ð	Secretariat-General Services	5199.18	*0.00*	5199.18
2062ð	Vigilance	1554.06	*0.00*	1554.06
2070ð	Other Administrative Services	444.88	0.00	444.88
2251ð	Secretariat-Social Services	1169.59	*6.00*	1175.59
3451ð	Secretariat Economic Services	807.32	*2.00*	809.32
	Total I. Revenue Account	**9,208.99**	***765.50***	**9,974.49**
	Total Demand No. 1	**9,208.99**	***765.50***	**9,974.49**

1	2	3	4	5
02.	**HOME DEPARTMENT**			
	REVENUE ACCOUNT			
2055ð	Police	237075.27	*0.00*	237075.27
2056ð	Jails	2149.79	*0.00*	2149.79
2070ð	Other Administrative Services	7246.85	*0.00*	7246.85
2235ð	Social Security and Welfare	650.50	*0.00*	650.50
Total I. Revenue Account		**247,122.41**	***0.00***	**247,122.41**
	II. Capital Account			
4055ð	Capital Outlay on Police	5001.59	*0.00*	5001.59
Total II. Capital Account		**5,001.59**	***0.00***	**5,001.59**
Total Demand No. 02		**252,124.00**	***0.00***	**252,124.00**
04.	**INFORMATION DEPARTMENT**			
	I. REVENUE ACCOUNT			
2220ð	Information and Publicity	698.69	*0.00*	698.69
Total I. Revenue Account		**698.69**	***0.00***	**698.69**
Total Demand No. 4		**698.69**	***0.00***	**698.69**

1	2	3	4	5
05.	**LADAKH AFFAIRS DEPARTMENT**			
	REVENUE ACCOUNT			
	2575ð Other Special Area Programmes	21079.91	*0.00*	21079.91
	Total I. Revenue Account	**21,079.91**	***0.00***	**21,079.91**
	II. CAPITAL ACCOUNT			
	4575ð Capital Outlay on Other Special Areas Programmes	8093.86	*0.00*	8093.86
	Total II. Capital Account	**8,093.86**	***0.00***	**8,093.86**
	Total Demand No. 5	**29,173.77**	***0.00***	**29,173.77**
06.	**POWER DEVELOPMENT DEPARTMENT**			
	I. REVENUE ACCOUNT			
	2801ïï Power	81695.91	*0.00*	81695.91
	Total I. Revenue Account	81,695.91	*0.00*	81,695.91
	II. Capital Account			
	4801ïï Capital Outlay on Power Projects	87840.41	*0.00*	87840.41
	Total II. Capital Account	**87,840.41**	***0.00***	**87,840.41**
	Total Demand No. 06	**169,536.32**	***0.00***	**169,536.32**

1	2	3	4	5
07	**EDUCATION DEPARTMENT**			
	I. Revenue Account			
	2202 General Education	331791.36	*0.00*	331791.36
	Total I. Revenue Account	**331,791.36**	***0.00***	**331,791.36**
	Total Demand No. 07	**331,791.36**	***0.00***	**331,791.36**
08	**FINANCE DEPARTMENT**			
	I. Revenue Account			
	2049 Interest Payments	0.00	*94068.00*	94068.00
	Total I. Revenue Account	**0.00**	***94,068.00***	**94,068.00**
	Total Demand No. 08	**0.00**	***94,068.00***	**94,068.00**
09	**PARLIAMENTARY AFFAIRS DEPARTMENT**			
	I. Revenue Account			
	2011 State Legislatures	526.04	*0.00*	526.04
	Total I. Revenue Account	**526.04**	***0.00***	**526.04**
	II. Capital Account			
	7610 Loans to Government Servants etc.	26.70	*0.00*	26.70
	Total II. Capital Account	**26.70**	***0.00***	**26.70**
	Total Demand No. 09	**552.74**	***0.00***	**552.74**

1	2	3	4	5
10.	**LAW DEPARTMENT**			
	I. Revenue Account			
	2014ï Administration of Justice	557.60	*1122.00*	2679.60
	2015ï Elections	27557.72	*0.00*	27557.72
	Total I. Revenue Account	**29,115.32**	***1,122.00***	**30,237.32**
	Total Demand No. 10	**29,115.32**	***1,122.00***	**30,237.32**
11.	**INDUSTRY AND COMMERCE DEPARTMENT**			
	I. Revenue Account			
	2851ï Village and Small Industries	2615.95	*0.00*	2615.95
	Total I. Revenue Account	**2,615.95**	***0.00***	**2,615.95**
	Total Demand No. 11	**2,615.95**	***0.00***	**2,615.95**
12.	**AGRICULTURE DEPARTMENT**			
	I. Revenue Account			
	2029ï Land Revenue	60.24	*0.00*	60.24
	2401ï Crop Husbandry	15861.10	*0.00*	15861.10
	2402ï Soil and Water Conservation	526.26	*0.00*	526.26

1	2	3	4	5
2403	Animal Husbandry	169.27	*0.00*	169.27
2406	Forestry and Wildlife	3533.35	*0.00*	3533.35
2415	Agricultural Research and Education	41462.89	*0.00*	41462.89
2435	Other Agricultural Programme	354.94	*0.00*	354.94
2705	Command Area Development	470.79	*0.00*	470.79
Total I. Revenue Account		**62,438.84**	***0.00***	**62,438.84**
Total Demand No. 12		**62,438.84**	***0.00***	**62,438.84**

13. ANIMAL HUSBANDRY DEPARTMENT

I. Revenue Account

2403	Animal Husbandry	9327.97	*0.00*	9327.97
Total I. Revenue Account		**9,327.97**	***0.00***	**9,327.97**
Total Demand No. 13		**9,327.97**	***0.00***	**9,327.97**

14. **REVENUE DEPARTMENT**

I. Revenue Account

2053	District Administration	7135.00	20.00	7155.00

1	2	3	4	5
2070	Other Administrative Services	23.00	*0.00*	23.00
2235	Social Security and Welfare	382.95	*0.00*	382.95
	Total I. Revenue Account	**7,540.95**	**20.00**	**7,560.95**
	Total Demand No. 14	**7,540.95**	**20.00**	**7,560.95**

15. **FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT**

I. Revenue Account

2408	Food, Storage and Warehousing	4715.65	*0.00*	4715.65
3475	Other General Economic Services	333.70	*0.00*	333.70
	Total I. Revenue Account	**5,049.35**	***0.00***	**5,049.35**

II. Capital Account

4235	Capital Outlay on Social Security and Welfare	3404.25	*0.00*	3404.25
4408	Capital Outlay on Food Storage and Warehousing	15.00	*0.00*	15.00

1	2	3	4	5
5475	Capital Outlay on Other General Economic Services	14.55	*0.00*	14.55
Total II. Capital Account		**3,433.80**	***0.00***	**3,433.80**
Total Demand No. 15		**8,483.15**	***0.00***	**8,483.15**

16. **PUBLIC WORKS DEPARTMENT**

I. Revenue Account

2059	Public Works	14314.18	*0.00*	14314.18
3054	Roads and Bridges	1480.20	*0.00*	1480.20
Total I. Revenue Account		**15,794.38**	***0.00***	**15,794.38**

II. Capital Account

4059	Capital Outlay on Public Works	4588.78	*0.00*	4588.78
5054	Capital Outlay on Roads and Bridges	21722.53	*0.00*	21722.53
Total II. Capital Account		**26,311.31**	***0.00***	**26,311.31**
Total Demand No. 16		**42,105.69**	***0.00***	**42,105.69**

1	2	3	4	5
17.	**HEALTH AND MEDICAL EDUCATION DEPARTMENT**			
	I. Revenue Account			
2210	Medical and Public Health	86685.23	*0.00*	86685.23
2211	Family Welfare	6364.86	*0.00*	6364.86
	Total I. Revenue Account	**93,050.09**	***0.00***	**93,050.09**
	II. Capital Account			
4210	Capital Outlay on Medical and Public Health	11978.60	*0.00*	11978.60
	Total II. Capital Account	**11,978.60**	***0.00***	**11,978.60**
	Total Demand No. 17	**105,028.69**	***0.00***	**105,028.69**
18.	**SOCIAL WELFARE DEPARTMENT**			
	I. Revenue Account			
2055	Police	580.18	*0.00*	580.18
2070	Other Administrative Services	63.50	*0.00*	63.50
2071	Pensions and Other Retirement Benefits	9.00	*0.00*	9.00

1	2	3	4	5
2225ï	Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes	289.64	*0.00*	289.64
2235ï	Social Security and Welfare	6171.97	*0.00*	6171.97
2236ï	Nutrition	22023.08	*0.00*	22023.08
Total I. Revenue Account		**29,137.37**	***0.00***	**29,137.37**
Total Demand No. 18		**29,137.37**	***0.00***	**29,137.37**

19. HOUSING AND URBAN DEVELOPMENT DEPARTMENT

I. Revenue Account

2217ï	Urban Development	3293.62	*0.00*	3293.62
Total I. Revenue Account		**3,293.62**	***0.00***	**3,293.62**

II. Capital Account

4217ï	Capital Outlay on Urban Development	19832.41	*0.00*	19832.41
Total II. Capital Account		**19,832.41**	***0.00***	**19,832.41**
Total Demand No. 19		**23,126.03**	***0.00***	**23,126.03**

1	2	3	4	5

20. **TOURISM DEPARTMENT**

I. Revenue Account

3452ï	Tourism	2808.88	*0.00*	2808.88
Total I. Revenue Account		**2,808.88**	***0.00***	**2,808.88**
Total Demand No. 20		**2,808.88**	***0.00***	**2,808.88**

21. **FOREST DEPARTMENT**

I. Revenue Account

2402ï	Soil and Water Conservation	1366.46	*0.00*	1366.46
2406ï	Forestry and Wildlife	15515.51	*0.00*	15515.51
Total I. Revenue Account		**16,881.97**	***0.00***	**16,881.97**
Total Demand No. 21		**16,881.97**	***0.00***	**16,881.97**

22. **IRRIGATION DEPARTMENT**

I. Revenue Account

2700ï	Major Irrigation	27.50	*0.00*	27.50
2701ï	Medium Irrigation	229.12	*0.00*	229.12
2702ï	Minor Irrigation	13380.53	*0.00*	13380.53

1	2	3	4	5
2711ï	Flood Control and Drainage	1597.00	*0.00*	1597.00
	Total I. Revenue Account	**15,234.15**	***0.00***	**15,234.15**
	II. Capital Account			
4711ï	Capital Outlay on Flood Control Projects	13498.94	*0.00*	13498.94
	Total II. Capital Account	**13,498.94**	***0.00***	**13,498.94**
	Total Demand No. 22	**28,733.09**	***0.00***	**28,733.09**

23. **PUBLIC HEALTH ENGINEERING DEPARTMENT**

	I. Revenue Account			
2055ï	Police	347.00	*0.00*	347.00
2215ï	Water Supply and Sanitation	30877.27	*0.00*	30877.27
	Total I. Revenue Account	**31,224.27**	***0.00***	**31,224.27**
	Total Demand No. 23	**31,224.27**	***0.00***	**31,224.27**

1	2	3	4	5
24.	**HOSPITALITY AND PROTOCOL DEPARTMENT**			
	I. Revenue Account			
2055ï	Police	2636.00	*0.00*	2636.00
2059ï	Public Works	394.22	*0.00*	394.22
2070ï	Other Administrative Services	804.07	*0.00*	804.07
2216ï	Housing	3320.28	*0.00*	3320.28
	Total I. Revenue Account	**7,154.57**	***0.00***	**7,154.57**
	II. Capital Account			
4059ï	Capital Outlay on Public Works	4415.44	*0.00*	4415.44
	Total II. Capital Account	**4,415.44**	**0.00**	**4,415.44**
	Total Demand No. 24	**11,570.01**	**0.00**	**11,570.01**
26.	**FISHERIES DEPARTMENT**			
	I. Revenue Account			
2405ï	Fisheries	3456.50	0.00	3456.50
	Total I. Revenue Account	**3,456.50**	**0.00**	**3,456.50**

1	2	3	4	5
	II. Capital Account			
4405ï	Capital Outlay on Fisheries	40.00	*0.00*	40.00
	Total II. Capital Account	**40.00**	***0.00***	**40.00**
	Total Demand No. 26	**3,496.50**	***0.00***	**3,496.50**

27. **HIGHER EDUCATION DEPARTMENT**

	I. Revenue Account			
2202ï	General Education	20000.37	*0.00*	20000.37
2203ï	Technical Education	138.50	*0.00*	138.50
	Total I. Revenue Account	**20,138.87**	***0.00***	**20,138.87**
	II. Capital Account			
4202ï	Capital Outlay on Education, Sports, Art and Culture	393.60	*0.00*	393.60
	Total II. Capital Account	**393.60**	***0.00***	**393.60**
	Total Demand No. 27	**20,532.47**	***0.00***	**20,532.47**

1	2	3	4	5
28. **RURAL DEVELOPMENT DEPARTMENT**				
	I. Revenue Account			
	2236 Nutrition	109.50	*0.00*	109.50
	2515 Other Rural Development Programmes	5162.05	*0.00*	5162.05
	Total I. Revenue Account	**5,271.55**	***0.00***	**5,271.55**
	II. Capital Account			
	4515 Capital Outlay on Other Rural Development Programmes	37669.97	*0.00*	37669.97
	Total II. Capital Account	**37,669.97**	***0.00***	**37,669.97**
	Total Demand No. 28	**42,941.52**	***0.00***	**42,941.52**
29.	**TRANSPORT DEPARTMENT**			
	I. Revenue Account			
	2041 Taxes on Vehicles	308.28	*6.00*	314.28
	2070 Other Administrative Services	1231.01	*0.00*	1231.01
	Total I. Revenue Account	**1,539.29**	***6.00***	**1,545.29**

1	2	3	4	5
	II. Capital Account			
5055ï	Capital Outlay on Road Transport	1760.40	*0.00*	1760.40
	Total II. Capital Account	**1,760.40**	***0.00***	**1,760.40**
	Total Demand No. 29	**3,299.69**	***6.00***	**3,305.69**
30.	**TRIBAL AFFAIRS DEPARTMENT**			
	I. Revenue Account			
2225ï	Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes	1155.62	*0.00*	1155.62
	Total I. Revenue Account	**1,155.62**	**0.00**	**1,155.62**
	II. Capital Account			
4225ï	Capital Outlay on Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes	36.29	0.00	36.29
	Total II. Capital Account	**36.29**	**0.00**	**36.29**
	Total Demand No. 30	**1,191.91**	**0.00**	**1,191.91**

1	2	3	4	5
31.	**CULTURE DEPARTMENT**			
	I. Revenue Account			
2202	General Education	1.00	*0.00*	1.00
2205	Art and Culture	1216.21	*0.00*	1216.21
3452	Tourism	62.00	*0.00*	62.00
3454	Census Surveys and Statistics	32.07	*0.00*	32.07
	Total I. Revenue Account	**1,311.28**	***0.00***	**1,311.28**
	II. Capital Account			
4202	Capital Outlay on Education, Sports, Art and Culture	25.56	*0.00*	25.56
	Total II. Capital Account	**25.56**	***0.00***	**25.56**
	Total Demand No. 31	**1,336.84**	***0.00***	**1,336.84**
34.	**YOUTH SERVICES AND TECHNICAL EDUCATION**			
	I. Revenue Account			
2203	Technical Education	3780.96	*0.00*	3780.96

1	2	3	4	5
2204	Sports and Youth Services	5439.29	*0.00*	5439.29
Total I. Revenue Account		**9,220.25**	***0.00***	**9,220.25**
Total Demand No. 34		**9,220.25**	***0.00***	**9,220.25**

SUMMARY

	Voted	***Charged***	**Total**
Total Revenue Account	**1064884.35**	**95981.50**	**1,160,865.85**
Total Capital Account	**220358.88**	**0.00**	**220358.88**
Grand Total (All Demands)	**1,285,243.23**	**95,981.50**	**1,381,224.73**

SATYA PAL MALIK,

Governor.

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY REGD. NO. JKð 33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Mon., the 12th Nov., 2018/21st Kart., 1940. [No. 32-7

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY AUTHORITY

Notification No. 17/JKSWRRA/2018, Jammu

Dated 12th November, 2018.

In exercise of the powers conferred under Sections 4 (zj), 56, 57, and 198 (2) (1) of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 (Act No. XXI of 2010), Rule 22, of Jammu and Kashmir State Water Resources (Regulation and Management) Rules, 2011 and all powers enabling it in that behalf and in amplification of

the clause 3.1 (b) of the Regulation No.16 dated 12-06-2014 of the Authority, the State Water Resources Regulatory Authority hereby makes the following Regulations, namely :ï ï

CHAPTER-I

General

1. *Short Title and Commencement*.ï ï (i) These Regulations may be called the State Water Resources Regulatory Authority (Manner and Guidelines to Ensure Smooth, Uninterrupted and Leakage free Supply of Water to Farmers) Regulations, 2018.

(ii) These Regulations shall come into force from the date of their publication in the Government Gazette.

(iii) These Regulations shall extend to the whole of the Jammu and Kashmir State and will serve as guidelines for proper regulation of supply of water for irrigation for the State controlled canals in the State of Jammu and Kashmir.

CHAPTER-II

Definitions

2. *Definitions*.ï ï (i) In these Regulations unless the context otherwise requires,ï ï

(a) óActô means the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010 (Act No. XXI of 2010) ;

(b) óAssistant Executive Engineerômeans an Assistant Executive Engineer Incharge of the concerned sub-division of the Irrigation and Flood Control Department ;

(c) óAuthorityô means the State Water Resources Regulatory Authority established under the Act ;

(d) óChairpersonômeans the Chairperson of the Authority ;

(e) óExecutive Engineerô means Executive Engineer of the concerned wing of Irrigation and Flood Control Department ;

(f) óGovernmentô means the Government of Jammu and Kashmir ;

(g) óMemberômeans a Member of the Authority ;

(h) óOfficerômeans an Officer of the Authority ;

(i) óPrescribed Authorityô means the Chief Engineer Incharge Irrigation and Flood Control and will include Chief Engineer RTIC as well as District Superintending Engineers of Leh and Kargil Districts ;

(j) óRulesô mean the Jammu and Kashmir Water Resources (Regulation and Management) Rules, 2011 ;

(k) óSecretaryômeans the Secretary of the Authority ;

(l) óWater Users Committeeô means a group of water users, organized for water management and who pool their technical/ human resources for operation and maintenance of a water system. All Sarpanches of the villages through which the canal runs or Lamberdars of these villages in absence of elected Panchayats, should be ex-officio members of the committee ;

(ii) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or Rules or in the State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013 shall bear the same meaning as in the Act or Rules or in the State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013 ;

CHAPTER-III

Guidelines for Proper Regulation for Supply of Water for Irrigation from State Controlled Canals

3. The following guidelines need to be essentially followed by irrigation engineers to ensure smooth, uninterrupted, leakage free supply to farmers so that optimum yield results are achieved :ï ï

(i) The Assistant Executive Engineer concerned should devise, for each canal, a System Operation Plan based onï ï

(a) The study of maps available as well as old record to devise cropping pattern to be adopted for individual canals in Kharif and Rabi seasons.

(b) Inputs from farmers.

(c) Water availability scenario based on meteorology reports.

(d) Fresh hydraulic survey and mapping.

e) Consultation with sister departments like Agriculture, Revenue, Horticulture etc.

(ii) System Operation Plan for planning of operation methods and for running of canal system continuously for the prescribed base period shall be a pre-requisite before the start of each season.

(iii) Each System Operation Plan shall be approved by Superintending Engineer concerned.

(iv) A Water Committee for each major and medium canal should be formed/proposed by the Executive Engineer, to be approved by the Deputy Commissioner of the District concerned. In

case of minor canals, Assistant Executive Engineer concerned will propose the composition of the Committee to be approved by the Additional Deputy Commissioner/Sub-Divisional Magistrate/Assistant Commissioner (Revenue) to be specifically authorized in this regard by the Deputy Commissioner concerned of the District. The Water Users Committee shall essentially have representative members from the beneficiaries and concerned Departments of the State Government. The life of such Committees will be two years. The exercise for constitution of these Committees will be conducted every two years. The concerned Superintending Engineer will kick-start the process of constitution of the Committees in consultation with the Deputy Commissioner concerned, at least three months before expiry of the term of such Committees.

(v) Water Users Committees should meet twice a year i. e. prior to Rabi and Kharif season, at least 30 days prior to the start of officially notified Rabi/Kharif season as per the Revenue Departmentôs relevant notification as applicable. Complete programme of running of main canals, distributaries and minors shall be settled in consultation with experts from the Agriculture Department and State Agriculture University. A representative of the Deputy Commissioner of the District concerned must be co-opted while finalizing cropping patterns and/or determining the number of waterings possible from the available water.

(vi) Till the new sarpanches are elected, Lamberdars of the villages concerned shall be ex-officio member of these Water Users Committees. Discussions with farmers shall be organized in groups or through Water Committees in presence of representatives of the concerned Agriculture, Revenue and Horticulture Departments and representatives of Rural

Development Department and Command Area Development Department and State Agriculture University by the concerned Executive Engineer. The need for having contingent plans in case of shortage of water due to drought conditions is to be emphasized, wherever required. Depending upon the availability of water and local climatic conditions, well in advance of the start of each sowing season, farmers shall be apprised of maintenance of micro-network, preparing fields, adopting improved irrigation methods for water saving/ conservation.

(vii) Holding of meetings with farmers of the area and deciding the duration and quantum of water supply is one of the important steps for preparing a System Operation Plan. The beneficiaries should know the cropping practices comprehensively. Their active involvement in the preparation of the Plan is, therefore, essential.

(viii) 30 days before the start of each season (Rabi/Kharif), the canal system should be inspected by the Assistant Executive Engineer by a Reconnaissance survey and maintenance needs for each structure (such as intakes, siphons, aqueducts, mogas and canal crossing etc.) should be listed, well documented and properly maintained in a register, which will be open to inspection by the concerned Chief Engineer, Superintending Engineer and Executive Engineer. This Reconnaissance survey requires walking by field functionaries such as Assistant Executive Engineer and below along each irrigation channel and taking note of each and every Operation and Maintenance need, as driving through may depict or capture only the major problems.

(ix) Reconnaissance on foot would render it possible to minutely observe all maintenance and operation problems which can

be readily corrected at lower costs before they become expensive major problems and may also then take more time for rectification.

(x) In order to minimize the canal closure period, the tendering process for desilting/operation and maintenance may be considered to be done as per the previous yearôs experience. This exercise should be done in consultation with the Deputy Commissioner concerned.

(xi) Running the main canal and the system continuously for the prescribed base period of the crop is preferred. Closing the entire system for 7 to 14 days and again running it till the supply in the canal lasts or crop matures ; whichever is earlier, may be necessary for yearly maintenance.

(xii) Commencement and closing dates of Rotational Program of canal system for different crops shall be in accordance with the crop calendars based on climatic conditions of individual Irrigation System and decided in consultation with Water Users Committees as well as concerned Departments with the knowledge of the territorial Tehsildar(s) concerned.

(xiii) Adequate and timely maintenance of an irrigation system is vital for proper irrigation water management. This management can be effectively possible only when the infrastructure for water conveyance exists in a fairly good condition. For increasing productivity, evaluation of maintenance deficiencies and their timely rectification coupled with improved operational practices providing more reliable and predictable water deliveries are most essential. There is a need to conduct engineering survey of the system for determining the maintenance needs conducive to implementation of the principal of ñtail to headò irrigation.

(xiv) Each crop has its own sowing and harvesting calendar and it is important to have a knowledge of this which may help to decide the total water demand in a field having mixed crops. Generally, in Jammu and Kashmir State we have two main cropping seasons viz. Kharif and Rabi.

(xv) As there is limited time left for maintenance or desilting of the main canals network, the closing of canals which is generally between January and April, every year. It obviously affects the production during the Rabi season, and therefore should be restricted to a maximum of 3 (three) weeks.

(xvi) In case of major/medium canals, the closure of canals and reopening thereof after maintenance should be known to the beneficiaries sufficiently in advance through Water Users Committees, print, electronic and social media, as well as through traditional methods like beating of drums and pasting of informative handbills in local language at important locations such as Panchayat Ghars, State Government offices, etc.

CHAPTER-IV

Offences and Penalties

4. (a) *Offences.*—Any action by stakeholders (users) which may be in violation of any provision under Sections 4 (zj), 56 and 57 of the Act shall be deemed to be an offence punishable under Section 156 of the Act.

(b) *Penalties.*—The offenders shall be punishable under the relevant Sections of the Act and Rules and penalties applied as per the provisions of the Act/Rules.

CHAPTER-V

Power to Amend, etc.

5. (a) The Authority may, at any time, add, vary, alter, modify or amend any provision of these Regulations.

(b) Nothing in the Regulations shall be deemed to limit or otherwise affect the inherent powers of the Authority to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Authority.

(c) Nothing in these Regulations shall bar the Authority from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient for dealing with such a matter or class of matters.

(d) Nothing in these Regulations shall, expressly or impliedly, bar the Authority dealing with any matter or exercising any power under the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, for which no regulations have been framed, and the Authority may deal with such matters, powers and functions in a manner it thinks fit.

By order of the Authority

(Sd.) .....

Secretary.

EXTRAORDINARY REGD. NO. JKï 33

THE

JAMMU AND KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Tue., the 4th Dec., 2018/13th Agra., 1940. [No. 35-10

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATï ï DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(*Legislation Section*)

Jammu, the 04th December, 2018.

The following Act has been assented to by the Governor on 04th December, 2018 and is hereby published for general information :ï ï

THE JAMMU AND KASHMIR RIGHTS OF PERSONS WITH DISABILITIES ACT, 2018

(Governor Act No. XL of 2018)

[04th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to provide for the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :ï ï

CHAPTER I

Preliminary

1. *Short title and commencement*.ï ï (1) This Act may be called the Jammu and Kashmir Rights of Persons with Disabilities Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Definitions*.ï ï In this Act, unless the context otherwise requires,ï ï

(a) ñActò means the Jammu and Kashmir Rights of Persons with Disabilities Act, 2018 ;

(b) ñappellate authorityò means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be ;

(c) ñbarrierò means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society ;

(d) ñcare-giverò means any person including parents and other family members who with or without payment provides care, support or assistance to a person with disability ;

(e) ñcertifying authorityò means an authority designated under sub-section (1) of section 57 ;

(f) ñcommunicationò includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual

displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology ;

(g) ñcompetent authorityò means an authority appointed under section 49 ;

(h) ñdiscriminationò in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation ;

(i) ñestablishmentò includes a Government establishment and private establishment ;

(j) ñFundò means the State Fund constituted under section 75 ;

(k) ñGovernmentò means the Government of Jammu and Kashmir ;

(l) ñGovernment establishmentò means a corporation established by or under an Act of State Legislature or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government ;

(m) ñhigh supportò means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy ;

(n) ñinclusive educationò means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities ;

(o) ñinformation and communication technologyò includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services ;

(p) ñinstitutionò means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities ;

(q) ñlocal authorityò means a Municipality as defined under the Jammu and Kashmir Municipal Act, 2000 or a Panchayat, as defined in the Jammu and Kashmir Panchayati Raj Act, 1989 ; a Cantonment Board constituted under the Cantonments Act, 2006; and any other authority established under an Act of State Legislature to administer the civic affairs ;

(r) ñnotificationò means a notification published in the Government Gazette and the expression ñnotifyò or ñnotifiedò shall be construed accordingly ;

(s) ñperson with benchmark disabilityò means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority ;

(t) ñperson with disabilityò means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others ;

(u) ñperson with disability having high support needsò means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support ;

(v) ñprescribedò means prescribed by rules made under this Act ;

(w) ñprivate establishmentò means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation,

union, factory or such other establishment as the Government may, by notification, specify ;

(x) ñpublic buildingò means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways, bus stands or terminus, airports or waterways ;

(y) ñpublic facilities and servicesò includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation ;

(z) ñreasonable accommodationò means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others ;

(za) ñregistered organisationò means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under any law for the time being in force ;

(zb) ñrehabilitationò refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels ;

(zc) ñSpecial Employment Exchangeò means any office or place established and maintained by the Government for the collection

and furnishing of information, either by keeping of registers or otherwise, regardingï ï

(i) persons who seek to engage employees from amongst the persons with disabilities ;

(ii) persons with benchmark disability who seek employment ;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed ;

(zd) ñState Commissionerò means the State Commissioner appointed under section 68 of this Act.

(ze) ñspecified disabilityò means the disabilities as specified in the Schedule;

(zf) ñtransportation systemsò includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc.;

(zg) ñuniversal designò means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II

Rights and Entitlements

3. *Equality and non-discrimination*.ï ï (1) The Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. *Women and Children with disabilities*.— (1) The Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.

5. *Community life*.— (1) The persons with disabilities shall have the right to live in the community.

(2) The Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement ; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. *Protection from cruelty and inhuman treatment*.— (1) The Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication ; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the Government in which not less than half of the Members shall

themselves be either persons with disabilities or Members of the registered organisation as defined under clause (za) of section 2.

7. *Protection from abuse, violence and exploitation*.— (1) The Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents ;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting ;

(c) take steps to rescue, protect and rehabilitate victims of such incidents ; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order.—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be ;

(b) for providing protective custody to the person with disability, if such person so desires ;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of.ï ï

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance ;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities ;

(c) the right to free legal aid ; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence :

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the State Ranbir Penal Code, Samvat, 1989 or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial Magistrate having jurisdiction in the matter.

8. *Protection and safety*.ï ï (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 (Central Act) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to

inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

9. *Home and family*.— (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

10. *Reproductive rights*.— (1) The Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

11. *Accessibility in voting*.— The State Election Commission shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

12. *Access to justice*.— (1) The Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The State Legal Services Authority constituted under the Jammu and Kashmir Legal Services Authorities Act, 1997 shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The Government shall take steps to,

(a) ensure that all their public documents are in accessible formats ;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats ; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. *Legal capacity*. (1) The Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction :

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or otherwise.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another :

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. *Provision for guardianship*.ï ï (1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the Government :

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation :ï ï For the purposes of this sub-section, ñlimited guardianshipò means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the Government for the purpose.

15. *Designation of authorities to support*.— (1) The Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III

Education

16. *Duty of educational institutions*.— The Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall,—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others ;

(ii) make building, campus and various facilities accessible ;

(iii) provide reasonable accommodation according to the individual's requirements ;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion ;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication ;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them ;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability ;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

17. *Specific measures to promote and facilitate inclusive education*.— The Government and the local authorities shall take the following measures for the purpose of section 15, namely :—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met :

Provided that the first survey shall be conducted within a period of five years from the date of commencement of this Act ;

(b) to establish adequate number of teacher training institutions ;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability ;

(d) to train professionals and staff to support inclusive education at all levels of school education ;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education ;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society ;

(g) to provide books, other learning materials and appropriate assistive device to students with benchmark disabilities free of cost up to the age of eighteen years ;

(h) to provide scholarships in appropriate cases to students with benchmark disability ;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning ; and

(k) any other measures, as may be required.

18. *Adult education*.ï ï The Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

CHAPTER IV

Skill Development and Employment

19. *Vocational training and self-employment*.ï ï (1) The Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for.ï ï

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes ;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training ;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism ;

(d) loans at concessional rates including that of microcredit ;

(e) marketing the products made by persons with disabilities ; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. *Non-discrimination in employment*.— (1) No Government establishment shall discriminate against any person with disability in any matter relating to employment :

Provided that the Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service :

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits :

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The Government may frame policies for posting and transfer of employees with disabilities.

21. *Equal opportunity policy*.— (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Government.

(2) Every establishment shall register a copy of the said policy with the State Commissioner.

22. *Maintenance of records*.— (1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the Government.

23. *Appointment of Grievance Redressal Officer*.— (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 20 and shall inform the State Commissioner about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Government; and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

Social Security, Health, Rehabilitation and Recreation

24. *Social Security*.— (1) The Government shall within the limit of its economic capacity and development formulate necessary schemes and

programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community :

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent higher than the similar schemes applicable to others.

(2) The Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,ï ï

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling ;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood ;

(c) support during natural or man-made disasters and in areas of conflict ;

(d) support to women with disability for livelihood and for upbringing of their children ;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban and rural areas ;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified ;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified ;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation ;

(i) care-giver allowance to persons with disabilities with high support needs ;

(j) comprehensive insurance scheme for persons with disability, not covered uunder the Employees State Insurance Scheme, or any other statutory or Government- sponsored insurance schemes ;

(k) any other matter which the Government may think fit.

25. *Healthcare*.ï ï (1) The Government and the local authorities shall take necessary measures for the persons with disabilities to provide.ï ï

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified ;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres ;

(c) priority in attendance and treatment.

(2) The Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall,ï ï

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities ;

(b) promote various methods for preventing disabilities ;

(c) screen all the children at least once in a year for the purpose of identifying ñat-riskò cases ;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation ;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child ;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers ;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk ;

(j) essential medical facilities for life saving emergency treatment and procedures ; and

(k) sexual and reproductive healthcare especially for women with disability.

26. *Insurance schemes.*ïï The Government shall, by notification, make insurance schemes for their employees with disabilities.

27. *Rehabilitation.*ïï (1) The Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

28. *Research and development.*ïï The Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habituation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

29. *Culture and recreation.*ïï The Government and the local authorities shall take measures to promote and protect the rights of all persons with

disabilities to have a cultural life and to participate in recreational activities equally with others which include,ï ï

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents ;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities ;

(c) making art accessible to persons with disabilities ;

(d) promoting recreation centres, and other associational activities ;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities ;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities ;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities ; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

30. *Sporting activities*.ï ï (1) The Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the Government and the sports authorities shall take measures to,ï ï

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities ;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities ;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities ;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities ;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities ;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI

Special Provisions for Persons with Benchmark Disabiilites

31. *Free education for children with benchmark disabilities*.—(1) Notwithstanding anything contained in any other law for the time being in force, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. *Reservation in higher educational institutions*.—(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. *Identification of posts for reservation*.— The Government shall,—

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34 ;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts ; and

(iii) undertake periodic review of the identified posts at an interval not exceeding seven years.

34. *Reservation*.— (1) The Government shall appoint in every Government establishment, not less than four per cent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent for persons with benchmark disabilities under clauses (d) and (e), namely :—

(a) blindness and low vision ;

(b) deaf and hard of hearing ;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy ;

(d) autism, intellectual disability, specific learning disability and mental illness ;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities :

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the Government from time to time :

Provided further that the Government, in consultation with the State Commissioner may, having regard to the type of work

carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability :

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the Government.

(3) The Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

35. *Incentives to employers in private sector*.ï ï The Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent of their work force is composed of persons with benchmark disability.

36. *Special employment exchange*.ï ï The Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Government and the establishment shall thereupon comply with such requisition.

37. *Special schemes and development programmes*.— The Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities ;

(b) five per cent reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities ;

(c) five per cent reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

Special Provisions for Persons with Disabilities with High Support Needs

38. *Special provisions for persons with disabilities with high support*.— (1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the Government in this behalf.

CHAPTER VIII

Duties and Responsibilities of Government

39. *Awareness campaigns*.— (1) The Government, in consultation with the State Commissioner, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity ;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee ;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children ;

(d) provide orientation and sensitisation at the School, College, University and Professional Training level on the human condition of disability and the rights of persons with disabilities ;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers ;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, Colleges and Schools.

40. *Accessibility*.— The Government shall, in consultation with the State Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

41. *Access to transport*.— (1) The Government shall take suitable measures to provide,—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines ;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design ;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions ;

(b) retrofitting of vehicles ; and

(c) personal mobility assistance.

42. *Access to information and communication technology*.— The Government shall take measures to ensure that,—

(i) all contents available in audio, print and electronic media are in accessible format ;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning ;

(iii) electronic goods and equipment which are meant for everyday use are available in universal design.

43. *Consumer goods*.— The Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

44. *Mandatory observance of accessibility norms*.— (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Government.

45. *Time limit for making existing infrastructure and premises accessible and action for that purpose*.— (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Government within a period not exceeding five years from the date of notification of such rules :

Provided that the Government may grant extension of time on a case to case basis for adherence to this provision depending on financial resources and other related parameters.

(2) The Government and the local authorities shall formulate and publish an action plan based on prioritization, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

46. *Time limit for accessibility by service providers*.— The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Government under section 40 within a period of five years from the date of notification of such rules :

Provided that the Government in consultation with the State Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

47. *Human resource development*.— (1) Without prejudice to any function and power of State Rehabilitation Council constituted under the

Rehabilitation Council of India Act, 1992, the Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,ï ï

(a) mandate training on disability rights in all courses for the training of Panches and Sarpanches, legislators, administrators, police officials, judges and lawyers ;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, anganwadi workers, engineers, architects, other professionals and community workers ;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support ;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect ;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities ;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitization, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

48. *Social audit*.ï ï The Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

Registration of Institutions for persons with Disabilities and Grants to such Institutions

49. *Competent authority*.— The Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

50. *Registration*.— Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority :

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 65 of the Mental Health Care Act, 2017 or any other Act for the time being in force, shall not be required to be registered under this Act.

51. *Application and grant of certificate of registration*.— (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the Government.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for :

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the Government.

(4) The certificate of registration granted under sub-section (2),ï ï

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the Government ;

(b) may be renewed from time to time for a like period ; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the Government.

52. *Revocation of registration*.ï ï (1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,ï ï

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars ; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate :

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation :

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,ï ï

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal ; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be,ï ï

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be ; or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

53. *Appeal*.ï ï (1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the Government, prefer an appeal to such appellate authority, as may be notified by the Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

54. *Act not to apply to institutions established or maintained by the Government*.ï ï Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Government.

55. *Assistance to registered institutions*.ï ï The Government may, within the limits of its economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

Certification of Specified Disabilities

56. *Guidelines for assessment of specified disabilities*.ï ï The Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

57. *Designation of certifying authorities*.— (1) The Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

58. *Procedure for certification*.— (1) Any person with specified disability, may apply, in such manner as may be prescribed by the Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Government ;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

59. *Appeal against a decision of certifying authority*.— (1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the Government, to such appellate authority as the Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the Government.

CHAPTER XI

State Advisory Boards on Disability and District Level Committee

60. *State Advisory Board on disability*.— (1) The Government shall, by notification, constitute a body to be known as the State Advisory Board on

disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of,ï ï

(a) the Minister incharge of the Department in the Government dealing with disability matters, Chairperson, ex-officio ;

(b) the Minister of State or the Deputy Minister in charge of the Department in the Government dealing with disability matters, if any, Vice-Chairperson, ex-officio ;

(c) Secretaries to the Government incharge of the Departments of School Education, Higher Education, Finance, ARI and Trainings, Health and Medical Education, Rural Development and Panchayat Raj, Industries and Commerce, Labour and Employment, Housing and Urban Development, Science and Technology, Information Technology, Public Enterprises, Youth Services and Sports, Transport and any other Department, which the Government considers necessary, Members, ex-officio ;

(d) three Members of the State Legislature to be nominated by Government of whom two shall be from Legislative Assembly and one from Legislative Council, Members, ex-officio ;

(e) Members to be nominated by the Government :ï ï

(i) five Members who are experts in the field of disability and rehabilitation ;

(ii) five Members to be nominated by the Government by rotation to represent the districts in such manner as may be prescribed :

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned ;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities :

Provided that out of the ten persons nominated under this clause, as far as possible, five shall be women and at least

one person each shall be from the Scheduled Castes and the Scheduled Tribes ;

(iv) not more than three representatives of the State Chamber of Commerce and Industry ;

(f) officer not below the rank of Secretary in the Department dealing with disability matters in the Government, Member-Secretary, ex-officio.

61. *Terms and conditions of service of Members*.—(1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 60, shall hold office for a term of three years from the date of his nomination :

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 60, shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 60, shall receive such allowances as may be prescribed by the Government.

62. *Disqualifications*.— (1) No person shall be a Member of the State Advisory Board, who,—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

63. *Vacation of seats*.— If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. *Meetings of State Advisory Board on disability*.— The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the Government.

65. *Functions of State Advisory Board on disability*.— (1) Subject to the provisions of this Act, the State Advisory Board shall be the consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely :—

(a) advise the Government on policies, programmes, legislation and projects with respect to disability ;

(b) develop a policy to address issues concerning persons with disabilities ;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities ;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plan ;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others ;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities ; and

(g) such other functions as may be assigned from time to time by the Government.

66. *District-level Committee on disability*.ï ï The Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

67. *Vacancies not to invalidate proceedings*.ï ï No act or proceeding of the State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

State Commissioner for Persons with Disabilities

68. *Appointment of State Commissioner*.ï ï (1) The Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the ñState Commissionerò) for the purposes of this Act.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the Government.

(4) The Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the Government.

69. *Functions of State Commissioner*.ï ï The State Commissioner shall :ï ï

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps ;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters and take up the matter with appropriate authorities for corrective action ;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation ;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures ;

(e) undertake and promote research in the field of the rights of persons with disabilities ;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection ;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities ;

(h) monitor utilisation of funds disbursed by the Government for the benefits of persons with disabilities ; and

(i) perform such other functions as the Government may assign.

70. *Action by appropriate authorities on recommendation of State Commissioner*.ï ï Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 69, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation :

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

71. *Powers of State Commissioner*.ï ï (1) The State Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, Samvat 1977 while trying a suit, in respect of the following matters, namely :ï ï

(a) summoning and enforcing the attendance of witnesses ;

(b) requiring the discovery and production of any documents ;

(c) requisitioning any public record or copy thereof from any court or office ;

(d) receiving evidence on affidavits ; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the State Ranbir Penal Code Samvat,1998 and the State Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, Samvat 1989.

72. *Annual and special reports by State Commissioner*.— (1) The State Commissioner shall submit an annual report to the Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance of recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII

Special Court

73. *Special Court*.— For the purpose of providing speedy trial, the Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, the Court of Session to be a Special Court to try the offences under this Act.

74. *Special Public Prosecutor*.— For every Special Court, the Government may, by notification, appoint a Public Prosecutor, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER XIV

State Fund for Persons with Disabilities

75. *State Fund for persons with disabilities*.—(1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by the Government in such manner as may be prescribed.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the Government.

(3) The Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the Government in consultation with the Comptroller and Auditor General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each house of the State Legislature.

CHAPTER XVI

Offences and Penalties

76. *Punishment for contravention of provisions of Act or rules or regulations made thereunder*.—Any person who contravenes any of the

provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

77. *Offences by companies*.ï ï (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :ï ï For the purposes of this section,ï ï

(a) ñcompanyò means anybody corporate and includes a firm or other association of individuals ; and

(b) ñdirectorò, in relation to a firm, means a partner in the firm.

78. *Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities*.ï ï Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

79. *Punishment for offences of atrocities*.ï ï Whoever,ï ï

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view ;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability ;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her ;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability ;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability ;

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

80. *Punishment for failure to furnish information*.ï ï Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

81. *Previous sanction of Government*.— No Court shall take cognizance of an offence alleged to have been committed by an employee of the Government under this Chapter, except with the previous sanction of the Government or on a complaint filed by an officer authorised by it in this behalf.

82. *Alternative punishments*.— Where an act or omission constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in such law, the offender found guilty of such offence shall be liable to punishment only under such law as provides for punishment which is greater in degree.

Miscellaneous

83. *Application of other laws not barred*.— The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

84. *Protection of action taken in good faith*.— No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any officer or employee of the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

85. *Power to make rules*.— (1) The Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6 ;

(b) the manner of providing support of a limited guardian under sub-section (1) of section 14 ;

(c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51 ;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51 ;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51 ;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51 ;

(g) the period within which an appeal to be made under sub-section (1) of section 53 ;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59 ;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 61 ;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 64 ;

(k) the composition and functions of District Level Committee under section 66 ;

(l) salaries, allowances and other conditions of services of State Commissioner under sub-section (3) of section 68 ;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (6) of section 68 ;

(n) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 72 ;

(o) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 68 ;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub- section (2) of section 74 ;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 75 ;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 75.

(3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature.

86. *Repeal and savings*.ï ï (1) The Jammu and Kashmir Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1998 is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[*See clause (ze) of section 2*]

Specified Disability

1. Physical disability.ï ï

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), includingï ï

(a) ñleprosy cured personò means a person who has been cured of leprosy but is suffering fromï ï

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity ;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity ;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly ;

(b) ñcerebral palsyò means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth ;

(c) ñdwarfismò means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less ;

(d) ñmuscular dystrophyò means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue ;

(e) ñacid attack victimsò means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment.ï ï

(a) ñblindnessò means a condition where a person has any of the following conditions, after best correctionï ï

(i) total absence of sight ; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction ; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) ñlow-visionò means a condition where a person has any of the following conditions, namely :ï ï

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections ; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment.ï ï

(a) ñdeafò means persons having 70 DB hearing loss in speech frequencies in both ears ;

(b) ñhard of hearingò means person having 60DB to 70 DB hearing loss in speech frequencies in both ears.

D. ñspeech and language disabilityò means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including,ï ï

(a) ñspecific learning disabilitiesò means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia ;

(b) ñautism spectrum disorderò means a neuro-developmental condition typically appearing in the first three years of life

that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour.ï ï

ñmental illnessò means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by sub normality of intelligence.

4. Disability caused due to.ï ï

(a) chronic neurological conditions, such asï ï

(i) ñmultiple sclerosisò means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other ;

(ii) ñParkinson's diseaseò means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorderï ï

(i) ñhaemophiliaò means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding ;

(ii) ñthalassemiaò means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) ñsickle cell diseaseò means a haemolytic disorder characterised by chronic anaemia, painful events, and various complications due to associated tissue and organ damage; "haemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of haemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Government.

SATYA PAL MALIK,

Governor.

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY REGD. NO. JKð 33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 131] Jammu, Fri., the 13th Dec., 2018/22nd Agra., 1940. [No. 37-7

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATïï DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS
(Legislation Section)

Jammu, the 13th December, 2018.

The following Act has been assented to by the Governor on 13th December, 2018 and is hereby published for general information :ïï

THE JAMMU AND KASHMIR CRIMINAL LAWS (SEXUAL OFFENCES) (AMENDMENT) BILL, 2018

(Governor Act No. XLVII of 2018)

[13th December, 2018.]

Whereas, in a Public Interest Litigation titled Court on its Own Motion V/s State of Jammu and Kashmir, the Honðble High Court, vide its

order dated 15-10-2018, directed the State to examine the concept of ósextortionô in the context of applicable laws and to undertake an exercise to make necessary amendments in the existing penal laws so that illegal acts, unwarranted demands for sexual favours and inappropriate contacts by the persons in authority are made punishable ; and

Whereas, the matter was examined by the Government and it was found that in order to prevent misuse of authority for unwanted sexual favours, it is expedient to amend the existing laws so as to curb this menace and prevent and check such misuse of position by persons in authority, fiduciary relationship or by a public servant.

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to amend the State Ranbir Penal Code, Samvat 1989, the Code of Criminal Procedure, Samvat 1989 and the Evidence Act, Samvat 1977.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows :-ï

Preliminary I

1. *Short title and commencement*.ð (1) This Act may be called the Jammu and Kashmir Criminal Laws (Sexual Offences)(Amendment) Act, 2018.

(2) It shall come into force from the date of publication in the Government Gazette.

CHAPTER II

Amendment to the State Ranbir Penal Code, Samvat, 1989.

2. *Insertion of section 354 E, Act No. XII of Samvat 1989*.—In the State Ranbir Penal Code, Samvat 1989(hereinafter in this Chapter

referred to as the óPenal Codeô), after section 354 D, the following section shall be inserted, namely :ð

"354E Sextortion.— (1) Whoever,ð

(a) being in a position of authority ; or

(b) being in a fiduciary relationship ; or

(c) being a public servant,

abuses such authority or fiduciary relationship or misuses his official position to employ physical or non physical forms of coercion to extort or demand sexual favours from any woman in exchange of some benefits or other favours that such person is empowered to grant or withhold, shall be guilty of offence of sextortion.

Explanation :— óSexual favourô shall mean and include any kind of unwanted sexual activity ranging from sexually suggestive conduct, sexually explicit actions such as touching, exposure of private body parts to sexual intercourse, including exposure over the electronic mode of communication.

(2) Any person who commits the offence of sextortion shall be punished with rigorous imprisonment for a term which shall not be less than three years but may extend to five years and with fine.ò

3. Amendment of section 375, Act No. XII of Samvat 1989.— In section 375 of the Penal Codeð

I. for the words ñfollowing seven descriptionsò, the words ñfollowing eight descriptionsò, shall be substituted ; and

II. after description Seventhly, the following description shall be inserted, namely :-ï

ñ**Eighthly.—** With her consent obtained in exchange for exercising or misusing authority.ò

CHAPTER III

Amendment to the Code of Criminal Procedure, Samvat 1989

4. Amendment of section 154 Act No. XXIII of Samvat 1989.— In section 154 of the Code of Criminal Procedure, Samvat, 1989, (hereinafter referred to as ótheCode of Criminal Procedureô) in sub-section (1) in first proviso thereto, for the words and figures ñsection 354Dò, the words and figures ñsection 354D, section 354Eò, shall be substituted.

5. Amendment of section 161 Act No. XXIII of Samvat 1989.— In section 161 of the Code of Criminal Procedure, in sub-section (3), in second proviso thereto, for the words and figures ñsection 354 Dò, the words and figures ñsection 354D, section 354Eò, shall be substituted.

6. Amendment of Schedule II, Act No. XXIII of Samvat 1989.— In Schedule II of the Code of Criminal Procedure, after the entry 354D, the following entry shall be inserted, namely :ð

1	2	3	4	5	6	7	8
354E	Sextortion	May arrest without warrant	Warrant	Non-Bailable	Not compoundable	Imprisonment of not less than 3 years but which may extend to five years and with fine	Judicial Magistrate

CHAPTER IV

Amendment to the Evidence Act, Samvat 1977.

7. Amendment of section 53 A, Act XIII of Samvat 1977.— In section 53A of the Evidence Act, Samvat 1977, for the words and figures

ñsection 354Dò, the words and figures ñsection 354D, section 354Eò, shall be substituted.

SATYA PAL MALIK

Governor

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY REGD. NO. JK—33

THE
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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS
(Legislation Section)

Jammu, the 13th December, 2018.

The following Act has been assented to by the Governor on 13th December, 2018 and is hereby published for general information :—

THE JAMMU AND KASHMIR PROHIBITION OF BENAMI PROPERTY TRANSACTIONS ACT, 2018

(Governor Act No. XLIII 2018)

[13th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to prohibit benami transactions and the right to recover property held benami and for matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th of June, 2018, the Governor is pleased to enact as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Prohibition of Benami Property Transactions Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "Act" means the Jammu and Kashmir Prohibition of Benami Property Transactions Act, 2018 ;

(2) "Adjudicating Authority" means the Adjudicating Authority appointed under section 7 ;

(3) "Administrator" means an Officer to be appointed as Administrator by the Government by a notification in the Government Gazette ;

(4) "Appellate Tribunal" means the Appellate Tribunal established under section 30 ;

(5) "Approving Authority" means an Officer to be appointed by the Government by notification in the Government Gazette ;

(6) "attachment" means the prohibition of transfer, conversion, disposition or movement of property, by an order issued under this Act ;

(7) "authority" means an authority referred to in sub-section (1) of section 18 ;

(8) "banking company" means a company to which the provisions of the Banking Regulation Act, 1949 (Central Act No. 10 of 1949) applies and includes any bank or banking institution referred to in section 51 of that Act ;

(9) "benami property" means any property which is the subject matter of a benami transaction and also includes the proceeds from such property ;

(10) "benami transaction" means,—(A) a transaction or an arrangement—

(a) where a property is transferred to, or is held by, a person, and the consideration for such property has been provided, or paid by, another person ; and

(b) the property is held for the immediate or future benefit, direct or indirect, of the person who has provided the consideration, except when the property is held by—

(i) a Karta, or a member of a Hindu undivided family, as the case may be, and the property is held for his benefit or benefit of other members in the family and the consideration for such property has been provided or paid out of the known sources of the Hindu undivided family ;

(ii) a person standing in a fiduciary capacity for the benefit of another person towards whom he stands in such capacity and includes a trustee, executor, partner, director of a company, a depository or a participant as an agent of a depository under the Depositories Act, 1996 (Central Act No. 22 of 1996) and any other person as may be notified by the Government for this purpose ;

(iii) any person being an individual in the name of his spouse or in the name of any child of such individual and the consideration for such property has been provided or paid out of the known sources of the individual ;

(iv) any person in the name of his brother or sister or lineal ascendant or descendant, where the names of brother or sister or lineal ascendant or descendant and the individual appear as joint owners in any document, and the consideration for such property has been provided or paid out of the known sources of the individual ; or

(B) a transaction or an arrangement in respect of a property carried out or made in a fictitious name ; or

(C) a transaction or an arrangement in respect of a property where the owner of the property is not aware of, or, denies knowledge of, such ownership ;

(D) a transaction or an arrangement in respect of a property where the person providing the consideration is not traceable or is fictitious ;

(11) "benamidar" means a person or a fictitious person, as the case may be, in whose name the benami property is transferred or held and includes a person who lends his name ;

(12) "Bench" means a Bench of the Adjudicating Authority or the Appellate Tribunal, as the case may be ;

(13) "beneficial owner" means a person, whether his identity is known or not, for whose benefit the benami property is held by a benamidar ;

(14) "director" shall have the same meaning as assigned to it in clause (34) of section 2 of the Companies Act, 2013 (18 of 2013) ;

(15) "executor" means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, codified ;

(16) "fair market value", in relation to a property, means—

(i) the price that the property would ordinarily fetch on sale in the open market on the date of the transaction ; and

(ii) where the price referred to in sub-clause (i) is not ascertainable, such price as may be determined in accordance with such manner as may be prescribed ;

(17) "firm" shall have the same meaning as assigned to it in section 4 of the Jammu and Kashmir State Partnership Act, Samvat 1996 and shall include a limited liability partnership as defined in the Limited Liability Partnership Act, 2008 (Central Act No. 6 of 2009) ;

(18) "Government" means the Government of Jammu and Kashmir ;

(19) "High Court" means the High Court of Jammu and Kashmir ;

(20) "Initiating Officer" means an Officer appointed as Initiating Officer by the Government by notification in the Government Gazette ;

(21) "Member" means the Chairperson or the Member of the Adjudicating Authority or the Appellate Tribunal, as the case may be ;

(22) "notification" means a notification published in the Government Gazette and the expression "notified" shall be construed accordingly ;

(23) "partner" shall have the same meaning as assigned to it in section 4 of the Jammu and Kashmir State Partnership Act, Samvat 1996, and shall include,—

(a) any person who, being a minor, has been admitted to the benefits of partnership ; and

(b) a partner of a limited liability partnership formed and registered under the Limited Liability Partnership Act, 2008 (Central Act No. 6 of 2009) ;

(24) "partnership" shall have the same meaning as assigned to it in section 4 of the Jammu and Kashmir State Partnership Act, Samvat, 1996 and shall include a limited liability partnership formed and registered under the Limited Liability Partnership Act, 2008 (Central Act No. 6 of 2009) ;

(25) "person" shall include—

(i) an individual ;

(ii) a Hindu undivided family ;

(iii) a company ;

(iv) a firm ;

(v) an association of persons or a body of individuals, whether incorporated or not ;

(vi) every artificial juridical person, not falling under sub-clauses (i) to (v) ;

(26) "prescribed" means prescribed by rules made under this Act ;

(27) "property" means assets of any kind, whether movable or immovable, tangible or intangible, corporeal or incorporeal

and includes any right or interest or legal documents or instruments evidencing title to or interest in the property and where the property is capable of conversion into some other form, then the property in the converted form and also includes the proceeds from the property ;

(28) "public financial institution" shall have the same meaning as assigned to it in clause (72) of section 2 of the Companies Act, 2013 (Central Act No. 18 of 2013) ;

(29) "Special Court" means a Court of Session designated as Special Court under sub-section (1) of section 50 ;

(30) "transfer" includes sale, purchase or any other form of transfer of right, title, possession or lien ;

(31) "trustee" means the trustee as defined in section 3 of the Trusts Act, Samvat, 1977 ;

(32) words and expressions used herein and not defined in this Act but defined in the Trusts Act, Samvat, 1977, the Jammu and Kashmir State Partnership Act, Samvat 1996, the Income Tax Act, 1961 (Central Act No. 43 of 1961), the Depositories Act, 1996 (Central Act No. 22 of 1996), the Prevention of Money-Laundering Act, 2002 (Central Act No. 15 of 2003), the Limited Liability Partnership Act, 2008 (Central Act No. 6 of 2009) and the Companies Act, 2013 (Central Act No. 18 of 2013), shall have the same meanings respectively assigned to them in those Acts.

CHAPTER II

Prohibition of Benami Transactions

3. *Prohibition of benami transactions.*—(1) No person shall enter into any benami transaction.

(2) Whoever enters into any benami transaction shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

4. *Prohibition of the right to recover property held benami.*—(1) No suit, claim or action to enforce any right in respect of any property held benami against the person in whose name the property is held or against any other person shall lie by or on behalf of a person claiming to be the real owner of such property.

(2) No defence based on any right in respect of any property held benami, whether against the person in whose name the property is held or against any other person, shall be allowed in any suit, claim or action by or on behalf of a person claiming to be the real owner of such property.

5. *Property held benami liable to confiscation.*—Any property, which is subject matter of benami transaction, shall be liable to be confiscated by the Government.

6. *Prohibition on re-transfer of property by benamidar.*—(1) No person, being a benamidar shall re-transfer the benami property held by him to the beneficial owner or any other person acting on his behalf.

(2) Where any property is re-transferred in contravention of the provisions of sub-section (1), the transaction of such property shall be deemed to be null and void.

CHAPTER III

Authorities

7. *Adjudicating Authority.*—The Government shall, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.

8. *Composition of Authority.*—An Adjudicating Authority shall consist of a Chairperson and at least two other Members.

9. *Qualifications for appointment of Chairperson and Members.*—(1) A person shall not be qualified for appointment as the Chairperson or a Member of the Adjudicating Authority unless he,—

(a) has been a member of the all India Service or the Jammu and Kashmir Administrative Service and has held the post

of Secretary to Government or equivalent in these services ; or

(b) has been a member of the Jammu and Kashmir Legal (Gazetted) Service and has held the post of Secretary to Government in that Service.

(2) The Chairperson and other Members of the Adjudicating Authority shall be appointed by the Government on the recommendation of a Search-cum-Selection Committee consisting of the following :

(a) Chief Secretary	Chairperson
(b) Administrative Secretary, Home Department	Member
(c) Administrative Secretary, General Administration Department	Member
(d) Administrative Secretary, Department of Law, Justice and Parliamentary Affairs	Member

(3) The Government shall appoint the senior most Member to be the Chairperson of the Adjudicating Authority.

10. *Constitution of Benches of Adjudicating Authority.*— (1) Subject to the provisions of this Act,—

(a) the jurisdiction of the Adjudicating Authority may be exercised by Benches thereof ;

(b) a Bench may be constituted by the Chairperson of the Adjudicating Authority with two Members, as the Chairperson may deem fit ;

(c) the Benches of the Adjudicating Authority shall ordinarily sit at such other places as the Government may, in consultation with the Chairperson, by notification, specify ;

(d) the Government shall, by notification, specify the areas in relation to which each Bench of the Adjudicating Authority may exercise jurisdiction.

(2) Notwithstanding anything contained in sub-section (1), the Chairperson may transfer a Member from one Bench to another Bench.

11. *Power of Adjudicating Authority to regulate its own procedure.*—The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, Samvat 1977, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Authority shall have powers to regulate its own procedure.

12. *Term of office of Chairperson and Members of Adjudicating Authority.*—The Chairperson and Members of the Adjudicating Authority shall hold office for a term not exceeding five years from the date on which they enter upon their office, or until they attain the age of sixty five years, whichever is earlier and shall not be eligible for reappointment.

13. *Terms and conditions of services of Chairperson and Members of Adjudicating Authority.*—(1) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other Members of the Adjudicating Authority shall be such as may be prescribed, but shall not be less than that of the Secretary to Government.

(2) Any vacancy caused to the office of the Chairperson or any other Member shall be filled up within a period of three months from the date on which such vacancy occurs.

14. *Removal of Chairperson and Members of Adjudicating Authority.*—(1) The Government may, by order, remove from office, the Chairperson or other Members of the Adjudicating Authority, if the Chairperson or such other Member, as the case may be,—

(a) has been adjudged as an insolvent ; or

(b) has been convicted of an offence, involving moral turpitude ; or

(c) has become physically or mentally incapable of acting as a Member ; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions ; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No Chairperson or Member shall be removed from his office under clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

15. *Member to act as Chairperson in certain circumstances.*—(1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior most Member shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

16. *Vacancies, etc., not to invalidate proceedings of Adjudicating Authority.*—No act or proceeding of the Adjudicating Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of the Authority ; or

(b) any defect in the appointment of a person acting as a Member of the Authority ; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

17. *Officers and employees of Adjudicating Authority.*—(1) The Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.

(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.

18. *Authorities and jurisdiction.*—(1) The following shall be the authorities for the purposes of this Act, namely :—

(a) the Initiating Officer ;

(b) the Approving Authority ;

(c) the Administrator ; and

(d) the Adjudicating Authority.

(2) The authorities shall exercise all or any of the powers and perform all or any of the functions conferred on, or, assigned, as the case may be, to it under this Act or in accordance with such rules as may be prescribed.

19. *Powers of authorities.*—(1) The authorities shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, Samvat, 1977, while trying a suit in respect of the following matters, namely :—

(a) discovery and inspection ;

(b) enforcing the attendance of any person, including any official of a banking company or a public financial institution or any other intermediary or reporting entity, and examining him on oath ;

(c) compelling the production of books of account and other documents ;

(d) issuing commissions ;

(e) receiving evidence on affidavits ; and

(f) any other matter which may be prescribed.

(2) All the persons summoned under sub-section (1) shall be bound to attend in person or through authorized agents, as any authority under this Act may direct, and shall be bound to state the truth upon any subject respecting which they are examined or make statements, and produce such documents as may be required.

(3) Every proceeding under sub-section (1) or sub-section (2) shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the State Ranbir Penal Code, Samvat 1989.

(4) For the purposes of this Act, any authority under this Act may requisition the service of any police officer or of any officer of the Government or of both to assist him for all or any of the purposes specified in sub-section (1), and it shall be the duty of every such officer to comply with the requisition or direction.

(5) For the purposes of this section, ”reporting entity” means any intermediary or any authority or the Government or any other person as may be notified in this behalf.

Explanation.—For the purposes of sub-section (5), “intermediary” shall have the same meaning as assigned to it in clause (n) of sub-section (1) of section 2 of the Prevention of Money-Laundering Act, 2002 (Central Act 15 of 2003).

20. *Certain officers to assist in inquiry, etc*.—Such officers of the Government, local authorities or banking companies, as the Government may, by notification, specify in this behalf shall assist the authorities in the enforcement of this Act.

21. *Power to call for information.*—(1) The Initiating Officer or the Approving Authority or the Adjudicating Authority shall have power to require any officer of the Government or a local body or any person or officer who is responsible for registering and maintaining books of account or other documents containing a record of any transaction relating to any property or any other person to furnish any information in relation to any person, point or matter as in his opinion shall be useful for or relevant for the purposes of this Act.

(2) Without prejudice to sub-section (1), every officer or person referred to in sub-section (1) shall furnish such information to any authority under this Act in such form and manner as may be prescribed.

22. *Power of authority to impound documents*.—(1) Where any books of account or other documents are produced before the authority in any proceedings under this Act and the authority in this behalf has reason to believe that any of the books of account or other documents are required to be impounded and retained for any inquiry under this Act, it may impound and retain the books of account or other documents for a period not exceeding three months from the date of order of attachment made by the Adjudicating Authority under sub-section (3) of section 26 :

Provided that the period for retention of the books of account or other documents may be extended beyond a period exceeding three months from the date of order of attachment made by the Adjudicating Authority under sub-section (3) of section 26 where the authority records in writing the reasons for extending the same.

(2) Where the authority impounding and retaining the books of account or other documents, under sub-section (1) is the Initiating Officer, he shall obtain approval of the Approving Authority within a period of fifteen days from the date of initial impounding and seek further approval of the Approving Authority for extending the period of initial retention, before the expiry of the period of initial retention, if so required.

(3) The period of retention of the books of account or other documents under sub-section (1) shall in no case exceed a period of thirty days from the date of conclusion of all the proceedings under this Act.

(4) The person, from whom the books of account or other documents were impounded under sub-section (1), shall be entitled to obtain copies thereof.

(5) On the expiry of the period specified under sub-section (1), the books of account or other documents shall be returned to the person

from whom such books of account or other documents were impounded unless the Approving Authority or the Adjudicating Authority permits their release to any other person.

23. *Power of authority to conduct inquiry, etc.*—The Initiating Officer, after obtaining prior approval of the Approving Authority, shall have power to conduct or cause to be conducted any inquiry or investigation in respect of any person, place, property, assets, documents, books of account or other documents, in respect of any other relevant matters under this Act.

CHAPTER IV

Attachment, Adjudication and Confiscation

24. *Notice and attachment of property involved in benami transaction.*—(1) Where the Initiating Officer, on the basis of material in his possession, has reason to believe that any person is a benamidar in respect of a property, he may, after recording reasons in writing, issue a notice to the person to show cause within such time as may be specified in the notice why the property should not be treated as benami property.

(2) Where a notice under sub-section (1) specifies any property as being held by a benamidar referred to in that sub-section, a copy of the notice shall also be issued to the beneficial owner if his identity is known.

(3) Where the Initiating Officer is of the opinion that the person in possession of the property held benami may alienate the property during the period specified in the notice, he may, with the previous approval of the Approving Authority, by order in writing, attach provisionally the property in the manner as may be prescribed, for a period not exceeding ninety days from the date of issue of notice under sub-section (1).

(4) The Initiating Officer, after making such inquires and calling for such reports or evidence as he deems fit and taking into account

all relevant materials, shall, within a period of ninety days from the date of issue of notice under sub-section (1),—

(a) where the provisional attachment has been made under sub-section (3),—

(i) pass an order continuing the provisional attachment of the property with the prior approval of the Approving Authority, till the passing of the order by the Adjudicating Authority under sub-section (3) of section 26 ; or

(ii) revoke the provisional attachment of the property with the prior approval of the Approving Authority ;

(b) where provisional attachment has not been made under sub-section (3),—

(i) pass an order provisionally attaching the property with the prior approval of the Approving Authority, till the passing of the order by the Adjudicating Authority under sub-section (3) of section 26 ; or

(ii) decide not to attach the property as specified in the notice, with the prior approval of the Approving Authority.

(5) Where the Initiating Officer passes an order continuing the provisional attachment of the property under sub-clause (i) of clause (a) of sub-section (4) or passes an order provisionally attaching the property under sub-clause (i) of clause (b) of that sub-section, he shall, within fifteen days from the date of the attachment, draw up a statement of the case and refer it to the Adjudicating Authority.

25. *Manner of service of notice.*—(1) A notice under sub-section (1) of section 24 may be served on the person named therein either by post or as if it were a summons issued by a Court under the Code of Civil Procedure, Samvat 1977.

(2) Any notice referred to in sub-section (1) may be addressed—

(i) in case of an individual, to such individual ;

(ii) in the case of a firm, to the managing partner or the manager of the firm ;

(iii) in the case of a Hindu undivided family, to Karta or any member of such family ;

(iv) in the case of a company, to the principal officer thereof ;

(v) in the case of any other association or body of individuals, to the principal officer or any member thereof ;

(vi) in the case of any other person (not being an individual), to the person who manages or controls his affairs.

26. *Adjudication of benami property.*—(1) On receipt of a reference under sub-section (5) of section 24, the Adjudicating Authority shall issue notice, to furnish such documents, particulars or evidence as is considered necessary on a date to be specified therein, on the following persons, namely :—

(a) the person specified as a benamidar therein ;

(b) any person referred to as the beneficial owner therein or identified as such ;

(c) any interested party, including a banking company ;

(d) any person who has made a claim in respect of the property :

Provided that the Adjudicating Authority shall issue notice within a period of thirty days from the date on which a reference has been received :

Provided further that the notice shall provide a period of not less than thirty days to the person to whom the notice is issued to furnish the information sought.

(2) Where the property is held jointly by more than one person, the Adjudicating Authority shall make all endeavours to serve notice to all persons holding the property :

Provided that where the notice is served on anyone of the persons, the service of notice shall not be invalid on the ground that the said notice was not served to all the persons holding the property.

(3) The Adjudicating Authority shall, after—

(a) considering the reply, if any, to the notice issued under sub-section (1) ;

(b) making or causing to be made such inquiries and calling for such reports or evidence as it deems fit ; and

(c) taking into account all relevant materials, provide an opportunity of being heard to the person specified as a benamidar therein, the Initiating Officer, and any other person who claims to be the owner of the property, and, thereafter, pass an order—

(i) holding the property not to be a benami property and revoking the attachment order ; or

(ii) holding the property to be a benami property and confirming the attachment order, in all other cases.

(4) Where the Adjudicating Authority is satisfied that some part of the properties in respect of which reference has been made to him is benami property, but is not able to specifically identify such part, he shall record a finding to the best of his judgment as to which part of the properties is held benami.

(5) Where in the course of proceedings before it, the Adjudicating Authority has reason to believe that a property, other than a property referred to it by the Initiating Officer is benami property, it shall provisionally attach the property and the property shall be deemed to be a property referred to it on the date of receipt of the reference under sub-section (5) of section 24.

(6) The Adjudicating Authority may, at any stage of the proceedings, either on the application of any party, or suo motu, strike out the name of any party improperly joined or add the name of any person whose presence before the Adjudicating Authority may be necessary to enable him to adjudicate upon and settle all the questions involved in the reference.

(7) No order under sub-section (3) shall be passed after the expiry of one year from the end of the month in which the reference under sub-section (5) of section 24 was received.

(8) The benamidar or any other person who claims to be the owner of the property may either appear in person or take the assistance of an authorized representative of his choice to present his case.

Explanation.—For the purposes of sub-section (8), authorized representative means a person authorized in writing, being—

(i) a person related to the benamidar or such other person in any manner, or a person regularly employed by the benamidar or such other person as the case may be ; or

(ii) any officer of a scheduled bank with which the benamidar or such other person maintains an account or has other regular dealings ; or

(iii) any legal practitioner who is entitled to practice in any civil court in India ; or

27. *Confiscation and vesting of benami property.*—(1) Where an order is passed in respect of any property under sub-section (3) of section 26 holding such property to be a benami property, the Adjudicating Authority shall, after giving an opportunity of being heard to the person concerned, make an order confiscating the property held to be a benami property :

Provided that where an appeal has been filed against the order of the Adjudicating Authority, the confiscation of property shall be

made subject to the order passed by the Appellate Tribunal under section 46 :

Provided further that the confiscation of the property shall be made in accordance with such procedure as may be prescribed.

(2) Nothing in sub-section (1) shall apply to a property held or acquired by a person from the benamidar for adequate consideration, prior to the issue of notice under sub-section (1) of section 24 without his having knowledge of the benami transaction.

(3) Where an order of confiscation has been made under sub-section (1), all the rights and title in such property shall vest absolutely in the Government free of all encumbrances and no compensation shall be payable in respect of such confiscation.

(4) Any right of any third person created in such property with a view to defeat the purposes of this Act shall be null and void.

(5) Where no order of confiscation is made upon the proceedings under this Act attaining finality, no claim shall lie against the Government.

28. *Management of properties confiscated.*—(1) The Administrator shall have the power to receive and manage the property, in relation to which an order of confiscation under sub-section (1) of section 27 has been made, in such manner and subject to such conditions, as may be prescribed.

(2) The Government may, by order published in the Government Gazette, notify as many of its officers as it thinks fit, to perform the functions of Administrators.

(3) The Administrator shall also take such measures, as the Government may direct, to dispose of the property which is vested in the Government under sub-section (3) of section 27, in such manner and subject to such conditions as may be prescribed.

29. *Possession of the property.*—(1) Where an order of confiscation in respect of a property under sub-section (1) of section

27, has been made, the Administrator shall proceed to take the possession of the property.

(2) The Administrator shall,—

(a) by notice in writing, order within seven days of the date of the service of notice to any person, who may be in possession of the benami property, to surrender or deliver possession thereof to the Administrator or any other person duly authorised in writing by him in this behalf ;

(b) in the event of non-compliance of the order referred to in clause (a), or if in his opinion, taking over of immediate possession is warranted, for the purpose of forcibly taking over possession, requisition the service of any police officer to assist him and it shall be the duty of the officer to comply with the requisition.

CHAPTER V

Appellate Tribunal

30. *Establishment of Appellate Tribunal.*—The Government shall, by notification, establish an Appellate Tribunal to hear appeals against the orders of the Adjudicating Authority under this Act.

31. *Composition etc., of Appellate Tribunal.*—(1) The Appellate Tribunal shall consist of a Chairperson and at least two other Members of which one shall be a Judicial Member and other shall be an Administrative Member. The Chairperson and the Members of the Appellate Tribunal shall be appointed by the Government on the recommendation of a Search-cum-Selection Committee consisting of the following :—

(a) Chief Secretary	Chairperson
(b) Administrative Secretary, Home Department	Member
(c) Administrative Secretary, General Administration Department	Member

(d) Administrative Secretary, Department of Law, Justice and Parliamentary Affairs — Member

(2) Subject to the provisions of this Act,—

(a) the jurisdiction of the Appellate Tribunal may be exercised by Benches thereof ;

(b) a Bench may be constituted by the Chairperson with two Members as the Chairperson may deem fit ;

(c) the Benches of the Appellate Tribunal shall ordinarily sit at the seat of the Government and at such other places as the Government may, in consultation with the Chairperson, by notification, specify ;

(d) the Government shall, by notification, specify the areas in relation to which each Bench of the Appellate Tribunal may exercise its jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson may transfer a Member from one Bench to another Bench.

32. *Qualifications for appointment of Chairperson and Members of Appellate Tribunal.*—(1) A person shall not be qualified for appointment as Chairperson of the Appellate Tribunal unless he is a sitting or retired Judge of a High Court, who has completed not less than five years of service.

(2) A person shall not be qualified for appointment as a Member unless he—

(a) in the case of a Judicial Member, has been a Member of the Jammu and Kashmir Legal (Gazetted) Service and has held the post of Secretary in that Service ;

(b) in the case an Administrative Member, has been a Member of All India Service or the Jammu and Kashmir Administrative Services and has held the post of the Commissioner/Secretary to the Government or equivalent.

(3) No sitting Judge of a High Court shall be appointed under this section except after consultation with the Chief Justice of the High Court.

(4) The Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act.

33. *Terms and conditions of services of Chairperson and Members of Appellate Tribunal.*—(1) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other Members shall be such as may be prescribed but shall not be less than that of the Commissioner/ Secretary and shall not be varied to their disadvantage during their tenure.

(2) Any vacancy caused to the office of the Chairperson or any other Member shall be filled up within a period of three months from the date on which such vacancy occurs.

34. *Term of office of Chairperson and Members*.—The Chairperson and Members of the Appellate Tribunal shall hold office for a term not exceeding five years from the date on which they enter upon their office, or until they attain the age of sixty-five years, whichever is earlier and shall not be eligible for reappointment.

35. *Removal of Chairperson and Member from office in certain circumstances.*—(1) The Government may, in consultation with the Chief Justice of High Court, remove from office the Chairperson or any Member, who—

(a) has been adjudged as an insolvent ; or

(b) has been convicted of an offence which, in the opinion of the Government involves moral turpitude ; or

(c) has become physically or mentally incapable ; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions ; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or Judicial Member shall not be removed from his office except by an order made by the Government after an inquiry made by the Chief Justice of the High Court in which the Chairperson or Judicial Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Government may suspend from office the Chairperson or Judicial Member in respect of whom a reference of conducting an inquiry has been made to the Chief Justice of the High Court under sub-section (2), until the Government passes an order on receipt of the report of inquiry made by Chief Justice of the High Court on the reference.

(4) The Government may regulate the procedure for inquiry referred to in sub-section (2) in the manner as may be prescribed.

(5) The Administrative Member may be removed from his office by an order of the Government on the grounds specified in sub-section (1) and in accordance with the procedure notified by the Government :

Provided that the Administrative Member shall not be removed unless he has been given an opportunity of being heard in the matter.

36. *Vacancies, etc., not to invalidate proceedings of Appellate Tribunal.*—No act or proceeding of the Appellate Tribunal shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of the Tribunal ; or

(b) any defect in the appointment of a person acting as a Member of the Tribunal ; or

(c) any irregularity in the procedure of the Tribunal not affecting the merits of the case.

37. *Resignation and removal.*—The Chairperson or any other Member may, by notice in writing under his hand addressed to the Government, resign his office :

Provided that the Chairperson or any other Member shall, unless he is permitted by the Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of the notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

38. *Member to act as Chairperson in certain circumstances.*—(1) In the event of the occurrence of any vacancy in the office of the Chairperson of the Appellate Tribunal by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

39. *Staff of Appellate Tribunal.*—(1) The Government shall provide the Appellate Tribunal with such officers and employees as it may think fit.

(2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of the Chairperson.

(3) The salaries and allowances and other conditions of service of the officers and employees of the Appellate Tribunal shall be such, as may be prescribed.

40. *Procedure and powers of Appellate Tribunal.*—(1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, Samvat 1977, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Appellate Tribunal shall have powers to regulate its own procedure.

(2) The Appellate Tribunal shall, for the purposes of discharging its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, Samvat 1977, while trying a suit, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavits ;

(d) subject to the provisions of sections 123 and 124 of the Evidence Act, Samvat 1977, requisitioning any public record or document or copy of such record or document from any office ;

(e) issuing commissions for the examination of witnesses or documents ;

(f) reviewing its decisions ;

(g) dismissing a representation for default or deciding it ex-parte ;

(h) setting aside any order of dismissal of any representation for default or any order passed by it ex-parte ; and

(i) any other matter, which may be, prescribed by the Government.

(3) An order made by the Appellate Tribunal under this Act shall be executable by it as a decree of civil court and, for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

(4) Notwithstanding anything contained in sub-section (3), the Appellate Tribunal may transmit any order made by it to a civil court having jurisdiction and the civil court shall execute the order as if it were a decree made by that court.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the State Ranbir Penal Code , Samvat 1989 and the Appellate Tribunal shall be deemed to be a civil court for the purposes of section 482 of the Code of Criminal Procedure, Samvat 1989.

41. *Distribution of business amongst Benches of Appellate Tribunal.*—Where any Benches are constituted, the Chairperson may, from time to time, by notification, make provision as to the distribution of the business of the Appellate Tribunal amongst the Benches and also provide for the matters which may be dealt with by each Bench.

42. *Power of Chairperson of Appellate Tribunal to transfer cases.*—On the application of any of the parties and notice to the parties, and after hearing them, or on his own motion without any notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

43. *Decision to be by majority.*—If the Members of a Bench consisting of two Members differ in opinion on any point, they shall

state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall either hear the point or points himself or refer the case for hearing on the point or points by one or more of the other Members and the point or points shall be decided according to the opinion of the majority of the Members of the Appellate Tribunal who have heard the case, including those who first heard it.

44. *Members, etc., to be public servants*.—The Chairperson, Members and other officers and employees of the Appellate Tribunal, the Adjudicating Authority, Approving Authority, Initiating Officer, Administrator and the officers subordinate to all of them shall be deemed to be public servants within the meaning of section 21 of the State Ranbir Penal Code Samvat, 1989.

45. *Bar of jurisdiction of civil courts*.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which any of the authorities, an Adjudicating Authority or the Appellate Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any court or other forum in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

46. *Appeals to Appellate Tribunal*.—(1) Any person, including the Initiating Officer, aggrieved by an order of the Adjudicating Authority may prefer an appeal in such form and along with such fees, as may be prescribed, to the Appellate Tribunal against the order passed by the Adjudicating Authority under sub-section (3) of section 26, within a period of forty-five days from the date of the order.

(2) The Appellate Tribunal may entertain any appeal after the said period of forty-five days, if it is satisfied that the appellant was prevented, by sufficient cause, from filing the appeal in time.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.

(4) An Appellate Tribunal while deciding the appeal shall have the power—

(a) to determine a case finally, where the evidence on record is sufficient ;

(b) to take additional evidence or to require any evidence to be taken by the Adjudicating Authority, where the Adjudicating Authority has refused to admit evidence, which ought to have been admitted ;

(c) to require any document to be produced or any witness to be examined for the purposes of proceeding before it ;

(d) to frame issues which appear to the Appellate Tribunal essential for adjudication of the case and refer them to the Adjudicating Authority for determination ;

(e) to pass final order and affirm, vary or reverse an order of adjudication passed by the Adjudicating Authority and pass such other order or orders as may be necessary to meet the ends of justice.

(5) The Appellate Tribunal, as far as possible, may hear and finally decide the appeal within a period of one year from the last date of the month in which the appeal is filed.

47. *Rectification of mistakes*.—(1) The Appellate Tribunal or the Adjudicating Authority may, in order to rectify any mistake apparent on the face of the record, amend any order made by it under section 26 and section 46 respectively, within a period of one year from the end of the month in which the order was passed.

(2) No amendment shall be made under sub-section (1), if the amendment is likely to affect any person prejudicially, unless he has been given notice of intention to do so and has been given an opportunity of being heard.

48. *Right to representation.*—(1) A person preferring an appeal to the Appellate Tribunal under this Act may either appear in person or take the assistance of an authorized representative of his choice to present his case before the Appellate Tribunal.

(2) The Government may authorize one or more of its officers to act as presenting officers on its behalf, and every person so authorized may present the case with respect to any appeal before the Appellate Tribunal.

Explanation:—For the purposes of this section, "authorized representative" means a person authorized by the appellant in writing to appear on his behalf, being—

(i) a person related to the appellant in any manner, or a person regularly employed by the appellant ; or

(ii) any officer of a scheduled bank with which the appellant maintains an account or has other regular dealings.

(iii) any legal practitioner who is entitled to practice in any civil court in India ; or

49. *Appeal to High Court.*—(1) Any party aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the High Court within a period of sixty days from the date of communication of the decision or order of the Appellate Tribunal to him on any question of law arising out of such order.

(2) The High Court may entertain any appeal after the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the period specified in sub-section (1).

(3) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

(4) The appeal shall be heard only on the question so formulated, and the respondents shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question.

(5) Nothing in this sub-section shall be deemed to take away or abridge the power of the court to hear, for reasons to be recorded, the appeal on any other substantial question of law not formulated by it, if it is satisfied that the case involves such question.

(6) The High Court shall decide the question of law so formulated and deliver the judgment thereon containing the grounds on which any decision is founded and may award any cost as it deems fit.

(7) The High Court may determine any issue which—

(a) has not been determined by the Appellate Tribunal ; or

(b) has been wrongly determined by the Appellate Tribunal, by reason of a decision on such question of law as is referred to in sub-section (1).

(8) Save as otherwise provided in this Act, the provisions of the Code of Civil Procedure, Samvat 1977, relating to appeals to the High Court shall, as far as may be, apply in the case of appeals under this section.

CHAPTER VI

Special Courts

50. *Special Courts.*—(1) The Government, in consultation with the Chief Justice of the High Court, shall, for trial of an offence punishable under this Act, by notification, designate one or more Courts of Session as Special Court or Special Courts for such area or areas or for such case or class or group of cases as may be specified in the notification.

(2) While trying an offence under this Act, a Special Court shall also try an offence other than an offence referred to in sub-section

(1), with which the accused may, under the Code of Criminal Procedure, Samvat 1989, be charged at the same trial.

(3) The Special Court shall not take cognizance of any offence punishable under this Act except upon a complaint in writing made by—

(i) the authority ; or

(ii) any officer of the Government authorized in writing by that Government by a general or special order made in this behalf.

(4) Every trial under this section shall be conducted as expeditiously as possible and every endeavour shall be made by the Special Court to conclude the trial within six months from the date of filing of the complaint.

51. *Application of Code of Criminal Procedure, Samvat 1989 to proceedings before Special Court.*—(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, Samvat 1989 shall apply to the proceedings before a Special Court and the persons conducting the prosecution before the Special Court, shall be deemed to be Public Prosecutors :

Provided that the Government may also appoint for any case or class or group of cases, a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor under this section unless, the Public Prosecutor has been in practice as an advocate for not less than seven years, and the Special Public Prosecutor has been in practice as an advocate for not less than ten years in any court.

(3) Every person appointed as a Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, Samvat 1989 and the provisions of that Code shall have effect accordingly.

52. *Appeal and revision.*—The powers conferred on a High Court of Jammu and Kashmir under Chapter XXXI or XXXII of the Code of Criminal Procedure, Samvat, 1989 shall *mutatis mutandis* apply with respect to the orders passed the Special Court designated under section 50 of the Act as if it were Court of Sessions.

CHAPTER VII

Offences and Prosecution

53. *Penalty for benami transaction.*—(1) Where any person enters into a benami transaction in order to defeat the provisions of any law or to avoid payment of statutory dues or to avoid payment to creditors, the beneficial owner, benamidar and any other person who abets or induces any person to enter into the benami transaction, shall be guilty of the offence of benami transaction.

(2) Whoever is found guilty of the offence of benami transaction referred to in sub-section (1) shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to seven years and shall also be liable to fine which may extend to twenty-five per cent of the fair market value of the property.

54. *Penalty for false information.*—Any person who is required to furnish information under this Act knowingly gives false information to any authority or furnishes any false document in any proceeding under this Act, shall be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine which may extend to ten per cent of the fair market value of the property.

CHAPTER VIII

Miscellaneous

55. *Repeal of provisions of certain Acts.*—(1) Section 81, 82 and 94 of the Trusts Act, Samvat 1977 (Act No. XLI of Samvat, 1977) and section 66 of the Code of Civil Procedure, Samvat 1989 are hereby repealed.

56. *Certain transfers to be null and void.*—Notwithstanding anything contained in the Transfer of the Property Act, Samvat 1977 or any other law for the time being in force, where, after the issue of a notice under section 24, any property referred to in the said notice is transferred by any mode whatsoever, the transfer shall, for the purposes of the proceedings under this Act, be ignored and if the property is subsequently confiscated by the Government under section 27, then, the transfer of the property shall be deemed to be null and void.

Exemption.—(1) The Government may, by notification, exempt any property relating to charitable or religious trusts from the operation of this Act.

(2) Every notification issued under sub-section (1) shall be laid before each House of the State Legislature.

57. *Power of Government to issue directions, etc.*—(1) The Government may, from time to time, issue such orders, instructions or directions to the authorities or require any person to furnish information as it may deem fit for the proper administration of this Act and such authorities and all other persons employed in execution of this Act shall observe and follow the orders, instructions and directions of the Government.

(2) In issuing the directions or orders referred to in sub-section (1), the Government may have regard to anyone or more of the following criteria, namely :—

(a) territorial area ;

(b) classes of persons ;

(c) classes of cases ; and

(d) any other criterion that may be specified by the Government in this behalf.

(3) No orders, instructions or directions under sub-section (1) shall be issued so as to—

(a) require any authority to decide a particular case in a particular manner ; or

(b) interfere with the discretion of the Adjudicating Authority in the discharge of its functions.

58. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not, save as hereinafter expressly provided, in derogation of any other law for the time being in force.

59. *Offences to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989, an offence under this Act shall be cognizable and non-bailable.

60. *Offences by companies.*—(1) Where a person committing contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

(2) Nothing contained in sub-section (1), shall render any person liable to punishment if he proves that the contravention took place without his knowledge.

(3) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, the director, manager, secretary or other officer shal1 also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means a body corporate, and includes—

(i) a firm ; and

(ii) an association of persons or a body of individuals whether incorporated or not ; and

(b) "director", in relation to—

(i) a firm, means a partner in the firm ;

(ii) any association of persons or a body of individuals, means any member controlling the affairs thereof.

61. *Notice, etc., not to be invalid on certain grounds.*—No notice, summons, order, document or other proceeding, furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Act shall be invalid, or shall be deemed to be invalid merely by reason of any mistake, defect or omission in the notice, summons, order, document or other proceeding if the notice, summons, order, document or other proceeding is in substance and effect in conformity with or according to the intent and purpose of this Act.

62. *Protection of action taken in good faith.*—No prosecution, suit or other proceeding shall lie against the Government or any officer of the Government or the Appellate Tribunal or the Adjudicating Authority established under this Act, for anything done or intended to be done in good faith under this Act.

63. Proceedings, etc., against legal representative.—(1) Where a person dies during the course of any proceeding under this Act, any proceeding taken against the deceased before his death shall be deemed to have been taken against the legal representative and may be continued against the legal representative from the stage at which it stood on the date of the death of the deceased.

(2) Any proceeding which could have been taken against the deceased if he had survived may be taken against the legal

representative and all the provisions of this Act, except sub-section (2) of section 3 and the provisions of Chapter VII, shall apply accordingly.

(3) Where any property of a person has been held benami under sub-section (3) of section 26, then, it shall be lawful for the legal representative of the person to prefer an appeal to the Appellate Tribunal, in place of the person and the provisions of section 46 shall, so far as may be, apply, or continue to apply, to the appeal.

64. *Act to have overriding effect.*—The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

65. *Power to make rules.*—(1) The Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) manner of ascertaining the fair market value under clause (16) of section 2 ;

(b) the manner of appointing the Chairperson and the Member of the Adjudicating Authorities under sub-section (2) of section 9 ;

(c) the salaries and allowances payable to the Chairperson and the Members of the Adjudicating Authority under sub-section (1) of section 13 ;

(d) the powers and functions of the authorities under sub-section (2) of section 18 ;

(e) other powers of the authorities under clause (f) of sub-section (1) of section 19 ;

(f) the form and manner of furnishing any information to the authority under sub-section (2) of section 21 ;

(g) the manner of provisional attachment of property under sub-section (3) of section 24 ;

(h) the procedure for confiscation of benami property under the second proviso to sub-section (1) of section 27 ;

(i) the manner and conditions to receive and manage the property under sub-section (1) of section 28 ;

(j) the manner and conditions of disposal of property vested in the Government under sub-section (3) of section 28 ;

(k) the salaries and allowances payable to and the other terms and conditions of service of the Chairperson and other Members of the Appellate Tribunal under sub-section (1) of section 33 ;

(l) the manner of prescribing procedure for removal of Chairperson or Member under sub-section (4) of section 35 ;

(m) the salaries and allowances payable to and the other terms and conditions of service of the officers and employees of the Appellate Tribunal under sub-section (3) of section 39 ;

(n) any power of the Appellate Tribunal under clause (i) of sub-section (2) of section 40 ;

(o) the form in which appeal shall be filed and the fee for filing the appeal under sub-section (1) of section 46 ;

(p) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

66. *Laying of rules and notifications before State Legislature.*— Every rule made and notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of the State Legislature, while it is in session, for a total period of thirty

days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or notifications, as the case may be, both Houses agree that the rules or notifications, as the case may be, should not be made or issued, the rule or notification, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification, as the case may be.

67. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Government Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

(2) No order shall be made under this section after the expiry of two years from the commencement of this Act.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.

68. *Repeal.*—(1) The Jammu and Kashmir Benami Transactions (Prohibition) Act, 2010 (Act No. V of 2010) is hereby repealed.

69. *Savings.*—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognized or derived by, in or from any enactment hereby repealed ; and

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

SATYA PAL MALIK

Governor.

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY REGD. NO. JKï 33

THE

JAMMU AND KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATï ï DEPARTMENT OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS
(*Legislation Section*)

Jammu, the 13th December, 2018.

The following Act has been assented to by the Governor on 13th December, 2018 and is hereby published for general information :ï ï

THE JAMMU AND KASHMIR TRANSPLANTATION OF HUMAN ORGANS (AMENDMENT) ACT, 2018

(Governor Act No. XLV of 2018)

[13th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to amend the Jammu and Kashmir Transplantation of Human Organs Act, 1997.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows:ï ï

1. *Short title and commencement*.ï ï (1) This Act may be called the Jammu and Kashmir Transplantation of Human Organs (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment in long title, Act No. III of 1997*.ï ï In the Jammu and Kashmir Transplantation of Human Organs Act, 1997 (hereinafter referred to as ôthe principal Actõ), in the long title, for the words ñhuman organs for therapeutic purposes and for the prevention of commercial dealings in human organsò, the words ñhuman organs and tissues for therapeutic purposes and for the prevention of commercial dealings in human organs and tissuesò shall be substituted.

3. *Amendment of section 1, Act No. III of 1997*.ï ï In section 1 of the principal Act, in sub-section (1), for the words ñHuman Organsò, the words ñHuman Organs and Tissuesò shall be substituted.

4. *Substitution of certain words, Act No. III of 1997*.ï ï Throughout the principal Act [except clause (i) of section 2, sub-section (5) of section 9, sub-section (1) of section 18 and section 19], unless otherwise expressly provided, for the words ñhuman organò and ñhuman organsò, wherever they occur, the words ñhuman organ or tissue or bothò and ñhuman organs or tissues or bothò shall respectively be substituted with such consequential amendments as the rules of grammar may require.

5. *Amendment of section 2, Act No. III of 1997*.ï ï In section 2 of the principal Act,ï ï

(a) after clause (h), the following clauses shall be inserted, namely :ï ï

(ha) ñHuman Organ Retrieval Centreò means a hospital,ï ï

(i) which has adequate facilities for treating seriously ill patients who can be potential donors of organs in the event of death ; and

(ii) which is registered under sub-section (1) of section 14 for retrieval of human organs ;

(hb) ñminorò means a person who has not completed the age of eighteen years ;

(b) for clause (j), the following clause shall be substituted, namely :ï ï

(j) ñnear relativeò means spouse, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson or granddaughter ;

(c) in clause (p), the word ñandò shall be omitted ;

(d) after clause (p), the following clauses shall be inserted, namely :ï ï

ó(pa) ñtissueò means a group of cells except blood performing a particular function in the human body ;

(pb) ñTissue Bankò means a facility registered under section 14A for carrying out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues, but does not include a Blood Bank ;ô

(e) in clause (q), the word ñandò shall be inserted at the end ;

(f) after clause (q), the following clause shall be inserted, namely :ï

(r) ñtransplant co-ordinatorò means a person appointed by the hospital for co-ordinating all matters relating to removal or transplantation of human organs or tissues or both and for assisting the authority for removal of human organs in accordance with the provisions of section 3.

6. *Amendment of section 3, Act No. III of 1997*.ï ï In section 3 of the principal Act,ï ï

(a) after sub-section (1), the following sub-sections shall be inserted, namely :ï ï

(1A) For the purpose of removal, storage or transplantation of such human organs or tissues or both, as may be prescribed, it

shall be the duty of the registered medical practitioner working in a hospital, in consultation with transplant co-ordinator, if such transplant co-ordinator is available,ï ï

(i) to ascertain from the person admitted to the Intensive Care Unit or from his near relative that such person had authorised at any time before his death the removal of any human organ or tissue or both of his body under sub-section (2), then the hospital shall proceed to obtain the documentation for such authorisation in such manner as may be prescribed ;

(ii) where no such authority as referred to in sub-section (2) was made by such person, to make aware in such manner as may be prescribed to that person or near relative for option to authorise or decline for donation of human organs or tissues or both ;

(iii) to require the hospital to inform in writing to the Human Organ Retrieval Centre for removal, storage or transplantation of human organs or tissues or both, of the donor identified in clauses (i) and (ii) in such manner as may be prescribed.

(1B) The duties mentioned under clauses (i) to (iii) of sub-section (1A) from such date, as may prescribed, shall also apply in the case of registered medical practitioner working in an Intensive Care Unit in a hospital which is not registered under this Act for the purpose of removal, storage or transplantation of human organs or tissues or both.ò ;

(b) in sub-section (4), the following proviso shall be inserted, namely :ï ï

ñProvided that a technician possessing such qualifications and experience, as may be prescribed, may enucleate a cornea.ò ;

(c) in clause (iii) of sub-section (6), the following proviso shall be inserted, namely :ï ï

ñProvided that where a neurologist or a neurosurgeon is not available, the registered medical practitioner may nominate an

independent registered medical practitioner, being a surgeon or a physician and an anesthetist or intensivist subject to the condition that they are not members of the transplantation team for the concerned recipient and to such conditions as may be prescribed ;ò.

7. *Amendment of section 9, Act No. III of 1997*.ï ï In section 9 of the principal Act,ï ï

(a) After sub-section (1), the following sub-section shall be inserted, namely :ï ï

ñ(1A) Where the donor or the recipient being near relative is a foreign national, prior approval of the Authorisation Committee shall be required before removing or transplanting human organ or tissue or both :

Provided that the Authorisation Committee shall not approve such removal or transplantation if the recipient is a foreign national and the donor is an Indian national unless they are near relatives.

(1B) No human organs or tissues or both shall be removed from the body of a minor before his death for the purpose of transplantation except in the manner as may be prescribed.

(1C) No human organs or tissues or both shall be removed from the body of a mentally challenged person before his death for the purpose of transplantation.

Explanation :ï ï For the purpose of this sub-section,ï ï

(i) the expression ñmentally challenged personò includes a person with mental illness or mental retardation, as the case may be ;

(ii) the expression ñmental illnessò includes dementia, schizophrenia and such other mental condition that makes a person intellectually disabled ;

(iii) the expression ñmental retardationò shall mean a condition of arrested or incomplete development of mind of a person

which is specially characterized by sub-normality or intelligence.ò ;

(b) after sub-section (3), the following sub-section shall be inserted, namely :ï ï

ñ(3A) Notwithstanding anything contained in sub-section (3), whereï ï

(a) any donor has agreed to make a donation of his human organ or tissue or both before his death to a recipient, who is his near relative, but such donor is not compatible biologically as a donor for the recipient ; and

(b) the second donor has agreed to make a donation of his human organ or tissue or both before his death to such recipient, who is his near relative, but such donor is not compatible biologically as a donor for such recipient ; then

(c) the first donor who is compatible biologically as a donor for the second recipient and the second donor is compatible biologically as a donor of a human organ or tissues or both for the first recipient and both donors and both recipients in the aforesaid group of donor and recipient have entered into a single agreement to donate and receive such human organ or tissue or both according to such biological compatibility in the group,

the removal and transplantation of the human organ or tissue or both, as per the agreement referred to above, shall not be done without prior approval of the Authorisation Committee.ò ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :ï ï

ñ(4)(a) The composition of the Authorisation Committees shall be such as may be prescribed by the Government from time to time.

(b) The Government shall constitute, by notification, one or more Authorisation Committees consisting of such members as may be nominated by the Government on such terms and conditions as may be specified in the notification for the purposes of this section.ò.

8. *Amendment of section 10, Act No. III of 1997.*ï ï In sub-section (1) of section 10 of the principal Act,ï ï

(a) in clause (b), the word ñandò occurring at the end shall be omitted ;

(b) in clause (c), the word ñandò shall be inserted at the end ;

(c) after clause (c), the following clause shall be inserted, namely :ï ï

ñ(d) no Tissue Bank, unless registered under this Act, shall carry out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues.ò

9. *Amendment of section 13, Act No. III of 1997.*ï ï In section 13 of the principal Act,ï ï

(a) clause (iii) of sub-section (2) of section 13, shall be substituted by the following, namely :ï ï

ñ(iii) to enforce such standards, as may be prescribed,ï ï

(A) for hospitals engaged in the removal, storage or transplantation of any human organ ;

(B) for Tissue Banks engaged in recovery, screening, testing, processing, storage and distribution of tissues ;ò ;

(b) after clause (iv), the following clause shall be inserted, namely :ï ï

ó(iva) to inspect Tissue Banks periodically ;ô

10. *Insertion of section 13A, 13B, 13C and 13D, Act No. III of 1997.*ï ï After section 13 of the principal Act, the following sections shall be inserted, namely :ï ï

"13A. Advisory Committee.ï ï (1) The Government shall by notification, constitute an Advisory Committee for a period of two years to aid and advise the Appropriate Authority to discharge its functions.

(2) The Advisory Committee shall consist ofï ï

(a) one administrative expert not below the rank of Secretary to the Government, to be nominated as Chairperson of the Advisory Committee ;

(b) two medical experts have such qualifications as may be prescribed ;

(c) one officer not below the rank of a Additional Secretary to Government to represent the Department of Health and Medical Education, to be designated as Member-Secretary ;

(d) two eminent social workers of high social standing and integrity, one of whom shall be from amongst representatives of womenôs organisation ;

(e) one legal expert who has held the position of an Additional Secretary Law or Additional District Judge or equivalent ;

(f) one person to represent non-governmental organisations or associations which are working in the field or organ or tissue donations or human rights ;

(g) one specialist in the field of human organ transplantation, provided he is not a member of the transplantation team.

(3) The terms and conditions for appointment to the Advisory Committee shall be such as may be prescribed by the Government.

13B. Powers of Appropriate Authority.ï ï The Appropriate Authority shall for the purposes of this Act shall all the powers of a civil court trying a suit under the Code of Civil Procedure, Samvat1977 and, in particular, in respect of the following matters, namely :ï ï

(a) summoning of any person who is in possession of any information relating to violation of the provisions of this Act or the rules made thereunder ;

(b) discovery and production of any document or material object ;

(c) issuing search warrant for any place suspected to be indulging in unauthorised removal, procurement or transplantation of human organs or tissues or both ; and

(d) any other matter which may be prescribed.

13C. State Human Organs and Tissues Removal and Storage Network.ï ï The Government may, by notification, establish a State Human Organs and Tissues Removal and Regional Storage Network at one or more places in such manner and to perform such functions, as may be prescribed.

13D. State Registry.ï ï The Government shall maintain a registry of the donors and recipients of human organs and tissues and such registry shall have such information as may be prescribed to an ongoing evaluation of the scientific and clinical status of human organs and tissues.ò.

11. *Amendment of section 14, Act No. III of 1997*.ï ï In section 14 of the principal Act,ï ï

(a) in sub-section (1), for the words ñNo hospitalò, the words ñNo hospital (including Human Organ Retrieval Centre)ò shall be substituted ;

(b) after sub-section (3), the following sub-section shall be inserted, namely :ï ï

ñ(4) No hospital shall be registered under this Act, unless the Appropriate Authority is satisfied that such hospital has appointed a transplant coordinator having such qualifications and experience as may be prescribed.ò

12. *Insertion of section 14A Act No. III of 1997*.ï ï After section 14 , the following section shall be inserted, namely :ï ï

"14A. Registration of Tissue Bank.ï ï (1) No Tissue Bank shall, after the commencement of the Jammu and Kashmir Transplantation of Human Organs (Amendment) Act, 2018, commence any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues unless it is duly registered under this Act :

Provided that any facility engaged, either partly or exclusively, in any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues immediately before the commencement of the Jammu and Kashmir Transplantation of Human Organs (Amendment) Act, 2018, shall apply for registration as Tissue Bank within sixty days from the date of such commencement :

Provided further that such facility shall cease to engage in any such activity on the expiry of three months from the date of commencement of the Jammu and Kashmir Transplantation of Human Organs (Amendment) Act, 2018, unless such Tissue bank has applied for registration and is so registered, or till such application is disposed of, whichever is earlier.

(2) Every application for registration under sub-section (1) shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed.

(3) No Tissue Bank shall be registered under this Act unless the Appropriate authority is satisfied that such Tissue Bank is in a position to provide such specialised services and facilities, possess such skilled manpower and equipments and maintain such standards as may be prescribed.ò.

13. *Amendment of section 15, Act No. III of 1997.*ï ï In sub-section(1) of section 15, for the words ñgrant to the hospitalò, the words ñgrant to the hospital or to the Tissue Bank, as the case may be,ò shall be inserted.

14. *Amendment of section 16, Act No. III of 1997.*ï ï In section 16, for the word ñhospitalò, wherever it occurs, the words ñhospital or Tissue Bank, as the case may be,ò shall be substituted.â

15. *Amendment of section 17, Act No.III of 1997.*ï ï In section 17, after the words, brackets and figure ñunder subsection (6) of section 9, or any hospitalò, the words ñor Tissue Bank, as the case may be,ò shall be inserted.

16. *Amendment of section 18, Act No. III of 1997.*ï ï In section 18 of the principal Act,ï ï

(a) in sub-section (1), for the words ñfive years and with fine which may extend to ten thousand rupeesò, the words ñten years and with fine which may extend to twenty lakh rupeesò shall be substituted ;

(b) in sub-section (2), for the words ñtwo yearsò, the words ñthree yearsò shall be substituted.

(c) after sub-section (2), the following sub-section shall be inserted, namely :ï ï

ñ(3) Any person who renders his services to or at any hospital and who conducts, or associates with or helps in any manner in the removal of human tissues without authority, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.ò.

17. *Amendment of section 19, Act No. III of 1997.*ï ï In section 19 of the principal Act,ï ï

(a) after clause (f), the following clause shall be inserted, namely :ï ï

ñ(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making

the donation of the human organs, as a near relative or by reason of affection or attachment towards the recipient.ô;

(b) for the words ñtwo years but which may extend to seven years and shall be liable to fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupeesò, the words ñfive years but which may extend to ten years and shall be liable to fine which shall not be less than twenty lakh rupees but may extend to one crore rupeesò shall be substituted ;

(c) the proviso shall be omitted.

18. *Insertion of section 19A Act No. III of 1997*.ï ï After section 19, the following section shall be inserted, namely :ï ï

"19A. Punishment of illegal dealing in human tissues.ï ï Whoeverï ï

(a) makes or receives any payment for the supply of, or for an offer to supply, any human tissue ; or

(b) seeks to find person willing to supply for payment and human tissue ; or

(c) offers to supply any human tissue for payment ; or

(d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply, any human tissue ; or

(e) takes part in the management or control of a body of persons, whether a society, firm or company, whose activities consist of or include the initiation or negotiation of any arrangement referred to in clause (d) ; or

(f) publishes or distributes or causes to be published or distributed any advertisementï ï

(i) inviting persons to supply for payment of any human tissue ; or

(ii) offering to supply any human tissue for payment ; or

(iii) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d) ; or

(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human tissues as a near relative or by reason of affection or attachment towards the recipient, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall be liable to fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees.ò.

19. *Amendment of section 20, Act No. III of 1997.*ï ï In section 20 of the principal Act, for the words ñthree years or with fine which may extend to five thousand rupeesò, the words ñfive years or with fine which may extend to twenty lakh rupeesò shall be substituted.

20. *Amendment of section 24, Act No. III of 1997.*ï ï In sub-section (2) of section 24 of the principal Act,ï ï

(a) after clause (a), the following clauses shall be inserted, namely :ï ï

(aa) the human organs or tissues or both in respect of which duty is cast on registered medical practitioner, the manner of obtaining documentation for authorisation under clause (i) of sub-section (1A) of section 3 ;

(ab) the manner of making the donor or his relative aware under clause (ii) of sub-section (1A) of section 3 ;

(ac) the manner of informing the Human Organ Removal Centre under clause (iii) of sub-section (1A) of section 3 ;

(ad) the date from which duties mentioned in sub-section (1A) are applicable to registered medical practitioner working

in a unregistered hospital under sub-section (1B) of section 3 ;

(ae) the qualifications and experience of a technician under the proviso to sub-section (4) of section 3 ; ò;

(b) after clause (b), the following clause shall be inserted, namely :ï ï

ñ(ba) the conditions for nomination of a surgeon or a physician and an anaesthetist or intensivist to be included in the Board of medical experts under the proviso to clause (iii) of sub-section (6) of section 3 ;ò ;

(c) after clause (e) the following clauses shall be inserted, namely :ï ï

ñ(ea) the manner of removal of human organs or tissues or both from the body of a minor before his death for transplantation under sub-section (1B) of section 9 ; (eb) the composition of the Authorisation Committees under sub-section (4) of section 9 ;ò;

(d) after clause (i), the following clauses shall be inserted, namely :ï ï

ñ(ia) the qualifications of medical experts and the terms and conditions for appointment to Advisory Committee under sub-sections (2) and (3) of section 13A ;

(ib) the power of the Appropriate Authority in any other matter under clause (d) of section 13B ;

(ic) the manner of establishment of a State Human Organs and Tissues Removal and Storage Network and Regional Network and functions to be performed by them under section 13C ;

(id) the information in the registry of the donors and recipients of human organs and tissues and all information under section 13D ;ò ;

(e) after clause (k), the following clauses shall be inserted, namely :ï ï

ñ(ka) the qualifications and experience of a transplant coordinator under sub-section (4) of section 14 ;

(kb) the form and the manner in which an application for registration shall be made, and the fee which shall be accompanied, under sub-section (2) of section 14A ;

(kc) the specialised services and the facilities to be provided skilled manpower and the equipments to be possessed and the standards to be maintained by a Tissue Bank, under sub-section (3) of section 14A ;ò;

(f) in clause (l), for the word ñhospitalò, the words ñhospital or Tissue Bankò shall be substituted.

SATYA PAL MALIK,

Governor.

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY REGD. NO. JK—33

THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS

(Legislation Section)

Jammu, the 14th December, 2018.

The following Act has been assented to by the Governor on 14th December, 2018 and is hereby published for general information :—

THE JAMMU AND KASHMIR STATE COMMISSION FOR PROTECTION OF WOMEN AND CHILD RIGHTS ACT, 2018

(Governor Act No. XLVI of 2018)

[14th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to provide for the constitution of a State Commission for Protection of Women and Child Rights and Courts for providing speedy trial of offences against women and children or of violation of women and child rights and for matters connected therewith or incidental thereto.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir State Commission for Protection of Women and Child Rights Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Act" means the Jammu and Kashmir State Commissions for Protection of Women and Child Rights Act, 2018 ;

(b) "Chairperson" means the Chairperson of the Commission ;

(c) "child rights" includes the children's rights adopted in the United Nations Convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992 ;

(d) "Commission" means the Jammu and Kashmir State Commission for Protection of Women and Child Rights constituted under section 3 ;

(e) "Government" means the Government of Jammu and Kashmir ;

(f) "Member" means the member of the Commission and includes the Chairperson ;

(g) "notification" means the notification issued under this Act and published in the Government Gazette ;

(h) "Prescribed" means prescribed by rules made under this Act ;

(i) "State" means the State of Jammu and Kashmir.

CHAPTER II

State Commission for Protection of Women and Child Rights

3. *Constitution of State Commission for Protection of Women and Child Rights.*—(1) The Government shall constitute a body to be known as the State Commission for Protection of Women and Child Rights to exercise the powers conferred on, and to perform the functions assigned to it, under the Act.

(2) The Commission shall consist of the following members namely :—

(a) a whole time Chairperson to be nominated by the Government from amongst the eminent persons, who have done outstanding work for protection and welfare of women and children ; and

(b) Four members nominated by the Government, out of whom one member shall be permanent and a woman and three part time members, out of whom at least two shall be women committed to the cause of women and child rights

and must be persons of eminence, ability, integrity, standing and experience in the following fields :—

(i) education ;

(ii) child health, care, welfare or child development ;

(iii) juvenile justice or care of neglected or marginalized children or children with disabilities or children in distress ;

(iv) elimination of child labour ;

(v) child psychology or sociology ; and

(vi) laws relating to children.

4. *Appointment of Chairperson and Members*.—The Government shall, by notification, appoint the Chairperson and other members :

Provided that the Chairperson and Members shall be appointed on the recommendation of a three member selection committee constituted by the Government under the Chairmanship of Minister Incharge, Social Welfare Department.

5. *Term of office and conditions of services of Chairperson and Members*.—(1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office :

Provided that the Chairperson or Member shall not hold office for more than two terms :

Provided further that the Chairperson or Member shall not hold office as such after he has attained—

(a) in a case of the Chairperson, the age of sixty-five years ; and

(b) in the case of a member, the age of sixty two years.

(2) The Chairperson or a Member may, by writing under his/her hand addressed to the Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.

6. *Salary and allowances of Chairperson and Members*.—The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the Government, from time to time :

Provided that neither the salary and allowances nor the other terms and conditions of services of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

7. *Removal from office*.—(1) Subject to the provisions of sub-section (2), the Chairperson or a Member may be removed from his office by an order of the Government on the ground of proved misbehaviour or incapacity in such manner and by such authority as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the Government may by order remove from office the Chairperson or a Member, if the Chairperson or, as the case may be, such Member,—

(a) is adjudged an insolvent ; or

(b) engages during his term of office in any paid employment outside the duties of his/her office ; or

(c) refuses to act or becomes incapable of acting ; or

(d) is of unsound mind and stands so declared by a competent court ; or

(e) has so abused his office as to render his/her continuance in his office detrimental to the public interest ; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude ; or

(g) is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given a reasonable opportunity of being heard in the matter.

8. *Vacation of office by Chairperson or Members.*—(1) If the Chairperson or, as the case may be, a member,—

(a) becomes subject to any of the disqualifications mentioned in section 7 ; or

(b) tenders his/her resignation under sub-section (2) of section 5, his seat shall thereupon become vacant.

(2) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making a fresh appointment in accordance with the provisions of section 4, and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he/she is so appointed would have held that office.

9. *Vacancies etc. not to invalidate proceedings of Commission.*— No act or proceeding of the Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the Constitution of, the Commission ; or

(b) any defect in the appointment of a person as the Chairperson or a Member ; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10. *Procedure for transaction of business.*—(1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting shall be taken by majority :

Provided that in the case of equality of votes, the Chairperson, or in his/her absence the person presiding, shall have and exercise a second or casting vote.

(3) If for any reason, the Chairperson, is unable to attend a meeting of the Commission, any member chosen by the members present amongst themselves at the meeting, shall preside.

(4) The Commission shall observe such rules of procedure in the transactions of its business at a meeting, including the quorum at such meeting, as may be prescribed.

(5) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by Secretary in this behalf.

11. *Secretary, officers and other employees of Commission.*—(1) The Government may, by notification, appoint an officer not below the rank of Additional Secretary to the Government from the Department of Law, Justice and Parliamentary Affairs, as the Secretary of the Commission and Government shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions of the Commission under this Act :

Provided that staff appointed for State Commission for Women constituted under the Jammu and Kashmir State Commission for

Women Act, 1999 shall be deemed to have been appointed as staff of the Commission.

(2) The Secretary shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed.

12. *Salaries and allowances to be paid out of grants.*— The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 11, shall be paid out of the grants referred to in sub-section (1) of section 19.

CHAPTER III

Functions and powers of the Commission

13. *Functions of the Commission.*—(1) The Commission shall perform all or any of the following functions :—

(a) investigate, examine and review all matters relating to the safeguards provided for women and children rights under the Constitution and any law for the time being in force for their protection and recommend measures for their effective implementation ;

(b) present to the Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards ;

(c) inquire into violation of women and child rights and made in such reports, recommendations for the effective implementation of those safeguards for improving the conditions of women and children by the State ;

(d) review, from time to time, the existing provisions of the Constitution of Jammu and Kashmir and laws affecting women and child and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations ;

(e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women and child with the appropriate authorities ;

(f) examine all factors that inhibit the enjoyment of rights of women and children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/ AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures ;

(g) look into the matters relating to women and children in need of special care and protection including women and children in distress, marginalized and disadvantaged, women and children in conflict with law, women and children without family and women and children of prisoners and recommend appropriate remedial measures ;

(h) study treaties and other international instruments and undertake periodical review of existing polices, programmes and other activities on women and child rights and make recommendations for their effective implementation in the best interest of women and children ;

(i) undertake and promote research in the field of women and child rights ;

(j) spread women and child rights literacy among various sections of the society and promote awareness of the safeguard available for protection of these rights through publications, the media, seminars and other available means ;

(k) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Government or any other authority, including any institution run by a social organisation ; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary ;

(l) inquire into complaints and take suo moto notice of matters relating to—

(i) deprivation and violation of women and child rights ;

(ii) non-implementation of laws enacted to provide protection to women and children and also achieve the objective of equality and development ; and

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to, and ensuring welfare and relief of the women and children or take up the issues arising out of such matter with appropriate authorities ; and

(m) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and children and identify the constraints so as to recommend strategies for their removal ;

(n) undertake promotional and educational research so as to suggest ways of ensuring due representation of women and

children in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity ;

(o) participate and advise on the planning process of socio-economic development of women and children ;

(p) evaluate the progress of the development of women under the State ;

(q) inspect or cause to be inspected a jail, remand home, women's and children institution or other place of custody where women and children are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary ;

(r) fund litigation involving issues affecting a large body of women and children ;

(s) make periodical reports to the Government on any matter pertaining to women and children and in particular various difficulties under which women and children toil ;

(t) such other functions as it may consider necessary for the promotion of women and child rights ;

(u) any other matter incidental to the above functions ;

(v) such other functions as may prescribed ; and

(w) any other matter which may be referred to it by the Government.

(2) The Commission shall not inquire into any matter which is pending before any other Commission duly constituted under any law for the time being in force.

(3) The Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of the State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendation and the reasons for the non-acceptance, if any, of any of such recommendations.

14. *Powers relating to inquiry*.—(1) The Commission shall, while inquiring into any matter referred to in clause (l) of sub-section (1) of section 13, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, Samvat 1977 and, in particular, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any document ;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing commissions for the examination of witnesses and documents ; and

(f) any other matter which may be prescribed.

(2) The Commission shall have the powers to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 482 of the Code of Criminal Procedure, Samvat 1989.

15. *Steps after inquiry*.—The Commission may take any of the following steps upon the completion of an inquiry held under the Act, namely :—

(i) where the inquiry discloses the commission of violation of women child rights of a serious nature or contravention of

provisions of any law for the time being in force, it may recommend to the Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons ;

(ii) approach the High Court for such directions, orders or writs as the High Court may deem necessary ; and

(iii) recommend to the Government or any authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

16. *Annual and special reports of Commission.*—(1) The Commission shall submit an annual report to the Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not deferred till submission of the annual report.

(2) The Government shall cause all the reports referred to in sub-section (1) to be laid before each House of State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed.

CHAPER IV

Constitution of Courts and Conduct of Cases

17. *Women and Children's Courts.*—Notwithstanding anything to the contrary contained in any other law for the time being in force, the Government may for the purpose of providing speedy trial of

offences against women and children or of violation of women and child rights, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, the Court of Session to be a Women and Children's Court to try the said offences :

Provided that nothing in this section shall apply if—

(a) a Court of Session is already specified as a special court ; or

(b) a special court is already constituted or designated ;

for such offences under any other law for the time being in force :

Provided that pending issuance of a notification under this section, the Principal Sessions Court having territorial jurisdiction, shall be deemed to have been designated as such and shall have jurisdiction to try offences under this Act.

18. *Special Public Prosecutor.*—For every Women and Children's Court, the Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER V

Finance, Accounts and Audit

19. *Grants by the Government.*—(1) The Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purpose of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

20. *Accounts and audit of the Commission.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor General or any other persons appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government by the Commission and the Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of the State Legislature.

21. *Annual report.*—The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed,

its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.

22. *Annual report and audit report to be laid before State Legislature.*—The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of State Legislature.

CHAPTER VI

Miscellaneous

23. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government, the Commission, or any member thereof or any person acting under the direction either of the Government or the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of the Act or of any rules made thereunder or in respect of the publication by or under the authority of the Government or the Commission of any report or paper.

24. *Chairperson, Members and staff of the Commission to the public servants.*—The Chairperson, the members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

25. *Directions by the Government.*—In the discharge of its functions under the Act, the Commission shall be guided by such directions on questions of policy relating to State or national purposes, as may be given to it by the Government.

(2) If any dispute arises between the Government and the Commission as to whether or not a questions is or is not a question

of policy relating to State or national purposes, the decision of the Government thereon shall be final.

26. *Returns or information.*—The Commission shall furnish to the Government such returns or other information with respect to its activities as the Government may, from time to time, require.

27. *Pending proceedings before the State Commission for Women.*—The proceedings pending before the State Commission for Women after coming into force of the Jammu and Kashmir State Commission for Protection of Women and Child Rights Act, 2018 shall be deemed to be pending before the Commission established under section 3 of the Act.

28. *Construction of references to the State Commission for Women in any other laws, orders etc.*—Any reference in any other law, order, rule or notification, in force in the State immediately before the commencement of the Jammu and Kashmir State Commission for Protection of Women and Child Rights Act, 2018 to the State Commission for Women shall unless context otherwise requires be construed as reference to the State Commission for Protection of Women and Child Rights.

29. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order published in the Government Gazette, make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty :

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of the Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.

30. *Government to consult Commission.*—The Government shall consult the Commission on all major policy matters affecting women and children.

31. *Power to make rules*.—(1) The Government may, by notification in the Government Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6 ;

(b) the procedure to be followed by the Commission in the transaction of its business at a meeting under sub-section (4) of section 10 ;

(c) the powers and duties which may be exercised and performed by the Secretary of the Commission under sub-section (2) of section 11 ;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11 ;

(e) form of the statement of accounts and other records to be prepared by the Commission under section (1) of section 20.

32. *Repeal and savings*.— (1) From the date of commencement of the Act, the State Commission for Women Act, 1999 shall stand repealed.

(2) Notwithstanding such repeal, anything done, any action taken, any order issued or any proceeding instituted under the repealed Act shall be deemed to have done, taken, issued or instituted, as the case may be, under the corresponding provisions of the Act.

SATYA PAL MALIK

Governor.

(Sd.) ASHISH GUPTA,

Deputy Legal Remembrancer,
Department of Law, Justice and Parliamentary Affairs.